

MANUAL OF THE  
RULES AND REGULATIONS  
OF THE  
ST. JOSEPH COUNTY COUNCIL

Revised 4/14/97

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RULES AND REGULATIONS OF THE  
ST. JOSEPH COUNTY COUNCIL

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## RULES OF THE ST. JOSEPH COUNTY COUNCIL

**BE IT RESOLVED** by the County Council of St. Joseph County:

### SECTION 1: STATEMENT OF INTENT

The County Council of St. Joseph County has been constituted to pass any and all ordinances and resolutions including those for taxation, finance and the appropriation of money and to oversee the operation of the government of this County. The cornerstones of this institution shall be:

- A. That the powers of office be performed justly and faithfully.
- B. That services of the county government be provided efficiently and equitably.
- C. That in matters of public concern, there shall be maximum public participation to inform, and to submit general opinion to achieve wise and timely action.
- D. That the intent of Council actions always be interpreted in favor of openness, efficiency, orderliness and timeliness.

In service to its solemn charge and trust, and within the limits of its founding law IC 1971, 17-1-28-1, as added by Acts 1973, P.L. 163, Sec. 1 Page 843; henceforth referred to as P.L. 163, as from time to time amended, this Council establishes the following organization and rules of conduct.

(Resol. No. 13-77 Effec.. 1-1-78)

### SECTION 2: DEFINITIONS

- A. PUBLIC LAW 163 AND PUBLIC LAW 158
  - 1. **Public Law 163** refers to IC 1971, 17-1-28-1, as added by Acts 1973, P.L. 163, Sec. 1, Page 843.
  - 2. **Public Law 158** refers to IC 1971, 17-2-2.5-1, as added by Acts 1975, P.L. 158, Sec. 1, Page 914.

- B. COUNTY COUNCIL

Nine (9) members nominated, elected and qualified in accordance with P.L. 163, Acts of 1981, P.L. 11, Sec. 143 (IC 36-2-3-3), and/or Indiana Code 1971, 3-2-9-1 et seq., as added by Acts 1977, P.L. 20, Sec. 1, et seq. shall constitute the County Council and shall be the Legislative Authority within and for St. Joseph County.

### C. SESSIONS

The County Council shall be in session when a duly advertised or called meeting acting with the order and rules of this Resolution is called to order by the presiding officer.

### D.OFFICERS

The President, Vice President and Second Vice President shall constitute the Officers of the Council.

### E.STANDING COMMITTEES

The standing committees of the County Council shall be:

1. Rules
2. Engineering and Transportation
3. Land Use Planning
4. Human Services and Criminal Justice
5. Budget and Administration

### F.SPECIAL COMMITTEES

A majority vote of the Council may establish a special committee to be designated as permanent or temporary.

### G.ORDINANCE

An official act of the County Council in the performance of its legislative duties which upon ratification by the Board of County Commissioners or upon approval by the Ordinance by two-thirds (2/3) of the membership of the County Council within sixty (60) days after the veto thereof, by the Board of County Commissioners, will have the force and effect of law within St. Joseph County, and will be operative for the government of that County.

### H.STATUTORY RESOLUTION

An official act of the County Council in the performance of its legislative duties which, upon proper ratification and promulgation will have the force and effect of law within St. Joseph County, by which, pursuant to State Statute, must be enacted in the form of a resolution.

## I. RESOLUTION

An expression of the County Council's opinions, an alteration of its rules, a regulation of, or concerning the Council's internal affairs and proceedings, an expression of thanks or gratitude, a censure or legislative action which will not have the force of law within St. Joseph County or be operative for the government of that county.

(Resol. No. 13-77 Effec. 1-1-78; Resol. No. 11-83 Effec. 12-6-83 Amending Section 2-B)

### **SECTION 3: POWERS AND DUTIES OF THE COUNTY COUNCIL**

The County Council is authorized to exercise those powers and duties specified in Section 10 of P.L. 163, Sec. 1 through 8 of P.L. 158, and other applicable provisions of the statutes of the State of Indiana, all as from time to time amended.

(Resol. No. 13-77 Effec. 1-1-78)

### **SECTION 4: ORGANIZATION OF THE COUNTY COUNCIL**

The members of the County Council shall hold an organizational meeting on the first Tuesday in each January, unless such date coincides with a legal holiday, in which event the organizational meeting shall be held on the next succeeding day, at which meeting the Council members shall elect by majority vote of the Council one (1) of its members to serve as its President and presiding officer and one (1) as Vice President and one (1) as Second Vice President. Providing, however, that no member of the Council may hold more than one (1) such office at any one (1) time. Each such officer shall serve in that position until a successor is elected.

(Resol. No. 13-77 Effec. 1-1-78)

## **SECTION 5: REGULAR MEETINGS OF COUNTY COUNCIL**

### **A. REGULAR MEETING**

The regular meetings of the County Council shall be open meetings held on the second Tuesday of each month, provided that such meeting does not conflict with a meeting of the Board of County Commissioners. If any regular meeting date falls on a legal holiday, the Council at the last preceding regular meeting may elect to meet on the regular date or the succeeding day.

Regular meetings of the County Council shall be called to order by a representative of the St. Joseph County Sheriff's Department, if so requested by the St. Joseph County Council. In the event no representative of the St. Joseph County Sheriff's Department is present to call the meeting to order, then the President, or in his absence the Vice President shall call the Council to order, or in his absence, the Second Vice President shall call the Council to order.

If the latter is absent, any member of the Council, upon motion, may be called to the chair, and shall act as presiding officer, only until the arrival of one (1) entitled to preside.

### **B. QUORUM**

A quorum shall consist of six (6) members elect of the Council.

All sessions must have a quorum present to conduct business.

[Resol. R3-96 (part) Effec. 1-9-96]

### **C. ORDER OF BUSINESS**

The regular order of business for the County Council shall be as follows:

1. Call to Order
  2. Pledge of Allegiance
  3. Invocation
  4. Petitions, Communications & Miscellaneous Matters
  5. Report from County Auditor
  6. Report from County Commissioners
  7. Report from Council Standing Committees
  8. First Readings
  9. Resolutions (if there are any)
  10. Public Hearings and Second Readings
  11. Unfinished Business
  12. New Business
  13. Privilege of the Floor (limit to 3 minutes for items not on the agenda)
  14. Adjournment
- (Resol. R12-93 – Effec. 7/13/93)

## D. NOTICE AND PUBLICATION

Notice of a regular meeting of the County Council must be advertised two (2) weeks prior to such meeting. Said advertising shall include the date, time and place of such meeting, together with department identifications, account numbers and amounts of ordinances to be considered. This advertising must be turned over to the County Auditor before noon on the Tuesday prior to the first advertising. All advertising must be published in a newspaper of general circulation.

Notice of a Special Meeting of the County Council shall be published one (1) time in accordance with provisions of IC 1971, 5-3-1, at least one (1) day before the meeting.

In addition, public notice of the date, time and place of any meetings, or executive sessions, and of any rescheduling or reconvened meetings of the St. Joseph County Council shall be given at least forty-eight (48) hours notice, before the meeting, by:

1. Posting a notice thereof at the principal office of the County Council; and,

2. Depositing in the United States mail with postage prepaid, or by delivering the notice to all news media which filed by the preceding January 1, an annual written request for such notice with the offices of the County Council

(Resol. No. 13-77 Effec. 1-1-78; Resol. No. 11-83 Effec. 12-6-83 Amending Section 5-A and 5-B)

## **SECTION 6: SPECIAL MEETINGS**

In addition to the regular meetings of the County Council, a special meeting of the County Council may be called by the County Auditor or by a majority of the County Council by giving forty-eight (48) hours written notice of the session to be held, and by the publication of such notice, one (1) time, pursuant to provisions set forth in I.C. 1971 5-3-1, at least one (1) day before the meeting. Provided, however, that the President of the Council is hereby authorized to call such a special session upon the written request of a majority of the members of the Council, provided that notice and publication requirements provided for herein, are complied with.

(Resol. No. 13-77 Effec. 1-1-78)

## **SECTION 7: OFFICERS OF THE COUNTY COUNCIL**

### **A. PRESIDENT**

The President of the County Council shall be elected at the organizational meeting of the Council by a majority of the Council from among its members for a one (1) year term.

The President shall:

1. Call meetings to order and preside over said meeting.
2. Serve as Chairman of the Rules Committee.
3. Sign all ordinances, resolutions, motions and orders passed by the Council.
4. Perform all other duties entrusted to him in this resolution, and P.L. 163.
5. Not serve as Chairman of any other committee, except a special, temporary committee.

### **B. VICE PRESIDENT**

The Vice President of the County Council shall be elected at the organizational meeting of the Council by a majority of the Council from among their members for a term of one (1) year.

The Vice President:

1. Shall call regular meetings to order and preside over such meetings in the absence of the President.
2. Shall serve as a member of the Rules Committee.
3. May serve as the Chairman of any other single standing committee, and additionally, may serve as Chairman of a special and/or temporary committee.
4. Shall sign all ordinances, resolutions, motions and orders passed by the Council in the absence of the President.
5. Shall perform all other duties entrusted to him in this resolution and P.L. 163.

### C. SECOND VICE PRESIDENT

Shall be elected by a majority of the Council from among its members for a term of one (1) year. The Second Vice President, shall in the absence of the President and the Vice President have all the rights, powers and duties herein granted to the Vice President, and in addition:

1. Shall serve as a member of the Rules Committee; and,
2. May serve as Chairman of only one (1) committee.

(Resol. No. 13-77 Effec. 1-1-78)

## **SECTION 8: COMMITTEES OF THE COUNTY COUNCIL**

### A. RULES COMMITTEE

Is composed of the President, Vice President and Second Vice President. It shall:

1. Appoint members to standing committees and fill vacancies on select committees.
2. Assign proposed legislation to particular committees.
3. Review the minutes of all Council meetings.
4. Shall review and report upon such proposed legislation and/or any other propositions for consideration by the Rules Committee, as may be assigned to it. In such instance, the Rules and Regulations of committees as specified in Section 8-C of these rules shall likewise apply to the Rules Committee.
5. Shall annually review and evaluate existing Council staff requirements and evaluate the performance of the existing Council staff. A report of the findings thereof shall be made to the Council, as a whole, on or before March 1<sup>st</sup> of each year, which report shall include: a recommendation concerning the need for additional legal or administrative personnel; termination of existing staff members; employment of replacement of personnel.

## B. STANDING COMMITTEES

Shall be composed of not less than three (3) or more than seven (7) members appointed by the Rules Committee. The Chairman shall be elected by a majority of the members of the Committee. No individual shall serve as Chairman of more than one (1) standing committee.

## C. RULES AND REGULATIONS OF COMMITTEES

1. A majority of the members of a Committee shall constitute a quorum. Provided, however, that it shall require a majority vote of all the members of a committee to report back a proposed ordinance to the County Council with recommendation. Proposals shall be reported back to the Council for further direction if no action is taken by the committee within sixty (60) days, or upon demand by a majority of the County Council.

2. Written or verbal notice shall be given to all members of the committee by the Chairman thereof, at least forty-eight (48) hours prior to the committee meeting; provided, however, that if a committee meeting is called to deal with an emergency involving actual or threat, to person or property, or actual or threatened disruption of a governmental activity by any event, then said time requirement for such notice shall not apply, but:

a. The public must be given notice of the meeting by posting a notice thereof, at a reasonable time in advance of said meeting, specifically the date, place and time, and subject matter of said meeting, in the offices of the County Council; and,

b. By providing similar notice to the news to the news media which have requested notice of meetings.

3. Unanimous vote shall be necessary to suspend the rules and regulations governing committee meetings.

(Resol. No. 13-77 Effec. 1-1-78; Resol. No. 09-80 Effec. 6-17-80 Amending by Adding Section 8-A.4 and Deleting Section 8-C.3 and Renumbering Section 8-C.4; Resol. No. 11-83 Effec. 12-6-83 Amending Section 8-A and 8-B)

## SECTION 9: ORDINANCES

Ordinances passed by the County Council and signed by the County Commissioners, or passed in accordance with P.L. 163, over the veto of the Commissioners shall have the effect of law in St. Joseph County of the State of Indiana. The following rules shall govern the Council:

- A. Every proposed ordinance shall be read two (2) times before final action, but no proposed ordinance shall be read the second time, or receive final action, on the same day or at the same meeting it is introduced, except by unanimous roll call vote of all members present, and then only when there are present and voting at least a majority of all the elected members, except that actions regarding additional appropriations made by the County Council may be introduced and passed on the same day; provided, however, that publication and notice required for such additional appropriation be first satisfied. Further, a request for transfer of funds within a departmental budget may receive both first and second reading at the same meeting, provided that such transfer of funds does not increase the approved department total budget.
  
- B. No ordinance or resolution shall appear on the agenda of any meeting of the County Council unless said ordinance or resolution has been filed in the office of the Secretary of the County Council on or before the Wednesday immediately prior to said meeting.
  
- C. Proposed ordinances shall be given a first reading before the Council by title only, after which time it shall be referred to committee by the presiding officer; provided, however, that should a member of the Council, at the meeting in which a proposed ordinance is assigned to committee, formally objects to said assignment; such ordinance shall be referred to the Rules Committee for committee assignment.
  
- D. A proposed ordinance may be referred back to committee for further amendment after initial committee action by motion of any councilman and majority vote of the quorum.
  
- E. A period of six (6) months must lapse before a proposed ordinance or resolution that has been defeated by Council action can be reintroduced; this rule may be waived by a two-thirds (2/3) vote of the total Council.
  
- F. Passage of a proposed ordinance shall be by a majority vote of the members elect of the Council.

G. Those who may request a proposed ordinance to be placed on the agenda of the Council for action shall include the presiding officer, committee of action chairman, or the sponsor of the proposed ordinance. If a proposed ordinance has been held in committee for twelve (12) months or more, the presiding officer of the Council, or the sponsor of the proposed ordinance, may place such proposed ordinance on the agenda of the Council for action. Should such action return said proposed ordinance back to committee, the committee of action shall not hold said proposed ordinance in committee more than sixty (60) days, at which time said proposed ordinance must receive final action by the Council, or be withdrawn from Council consideration.

H. A journal of all proceedings shall be maintained and shall include pertinent data.

I. The Council may suspend these rules upon unanimous approval of all members of the quorum, or members elect of the Council present, whichever is greater.

J. To insure accurate final printing of ordinances after passage, all proposed ordinances acted upon favorably by the Council shall be checked by the Auditor and acted on by the County Commissioners.

K. The Secretary of the County Council shall be responsible for the printing and distribution of all ordinances in effect in a current and codified form. The Secretary of the County Council shall establish an open file system by number of all current ordinances and resolutions.

L. Ordinances are effective at the time and manner provided in P.L. 163 and P.L. 158.

M. Amendments to a proposed ordinance shall be restricted to proposed subject matter only (no ordinance stripping procedures shall be allowed).

N. All proposed ordinances require sponsorship by a Council member, unless so stipulated by other State Statutes.

O. A proposed ordinance may be reassigned to another committee by a motion of the sponsor of the ordinance with the approval of the Rules Committee and the majority of the quorum.

P. Assignment of proposed ordinances to committee shall be by subject matter.

Q.The withdrawal of an ordinance prior to the first reading of a proposed ordinance or resolution, the same may be withdrawn by the sponsor thereof without obtaining the consent of the Council or any member or portion thereof, by notifying the President of the Council, in writing, of his or her intention and desire to so withdraw the proposed ordinance or resolution, and such withdrawal shall be effective as of the date of such notice.

Following the first reading of a proposed ordinance or resolution, the same may be withdrawn only with the consent and approval of a majority of the Council. Such a request to withdraw a proposed ordinance or resolution, following its first reading shall be made by motion of the sponsor at a regular or open meeting of the Council, which motion shall not require a second for consideration. Should no member of the Council object to such withdrawal at the time the motion for withdrawal is made, the proposed ordinance or resolution shall be automatically withdrawn. In the event a member of the Council objects to such withdrawal, at the time the motion for withdrawal is made, the motion shall be presented to the Council for consideration and the proposed ordinance or resolution may be withdrawn only with the approval of a majority of the members of the Council.

(Resol. No. 13-77 Effec. 1-1-78; Amended Resol. No. 09-80 Effec. 6-17-80 Amends wording of Sec. 9-A and Sec. 9-G

#### **SECTION 10: RESOLUTIONS**

The provisions herein related to Ordinances shall relate equally to Resolutions with the exception that Resolutions may be considered and acted upon at the same meeting and upon the same day in which they are introduced, unless otherwise required by law.

(Resol. No. 13-77 Effec. 1-1-78)

#### **SECTION 11: STAFF OF COUNTY COUNCIL**

The Staff of the County Council shall consist of such staff as the Council shall deem necessary to carry out the powers and duties so specified in P.L. 163.

In addition to the annual staff evaluation by the Rules Committee provided for by Section 8-A 5 hereof, any member of the St. Joseph County Council may request the employment of additional legal or administrative personnel, the termination of presently employed personnel, or the employment of replacement personnel by filing a written request for such action with the County Council.

Such petition shall be referred to the Rules Committee of the St. Joseph County Council which Committee shall investigate, interview candidates for employment, and make a recommendation to the County Council, which recommendation must be supported by a majority of the Rules Committee.

No additional personnel may be employed, no personnel may be terminated, no replacement personnel may be employed, no permanent changes in staff duties may be imposed, and no increase or reduction in compensation may be made concerning the Staff of the St. Joseph County Council until said County Council has received the report of the Rules Committee set forth above and until such personnel action has been approved by a majority of the members of the St. Joseph County Council.

(Resol. No. 13-77 Effec. 1-1-78; Resol. No. 11-83 Effec. 12-6-83)

### **SECTION 12: GOVERNING RULES OF ORDER**

The procedures of the St. Joseph County Council in considering the voting upon any proposed item of legislation, or any motion, and relating generally to the conduct of its meetings, both regular and special, shall unless otherwise specified herein, or as governed by Burns Indiana Statutes Annotated, be governed by the provisions of ROBERTS RULES OF ORDER REVISED, the provisions of these rules shall prevail.

(Resol. No. 13-77 Effec. 1-1-78)

### **SECTION 13: PRECEDENCE OF STATE STATUTES**

Should any section of this Resolution be held in conflict with State Law, no other section or sections shall be affected, and they shall be considered in full force and effect.

(Resol. No. 13-77 Effec. 1-1-78)

### **SECTION 14: VOTING**

Each member of the St. Joseph County Council has been duly elected to office by the citizens of St. Joseph County within his or her district. As such elected official for St. Joseph County, and the citizens within his or her district, it behooves each member to cast his or her vote on any issue presented before the Council, at any of its meetings.

A. Abstaining from voting-- Shall only be allowed when a member desiring to abstain has or may have a direct personal or monetary interest in the outcome of the vote in question, or where some other conflict of interest exists or may exist which could be construed as affecting said member's vote upon the issue in question. Such abstention from voting shall then only be allowed upon the approval of such abstention by majority of the members of the Council present.

B.Voting on Questions Affecting Oneself-- Nothing contained herein shall be construed as preventing a member from voting on an issue in which he or she has a direct personal interest. Neither shall the rule on abstaining from voting on a question of direct personal interest mean that a member is prevented from voting for himself or herself for an office or other position to which members generally are eligible, nor from voting when other members are included with him or her in a motion.

C.Changing One's Vote-- A member has the right to change his or her vote up to the time the result is announced; after that he or she can make the change only upon the approval of a majority of the members present, or by the adoption of a motion to grant the permission which shall be undebatable.

D.Methods of Voting on Motions-- The method of voting on any issue shall be at the discretion of the presiding officer, at the time the vote is called for; provided, however, that any member of the Council shall have the right to request a roll call vote on any issue, which request shall be granted if supported and approved by a majority of the members present and voting.

1.By Roll Call - upon the direction of the presiding officer, each member shall be called by the Clerk to voice his or her vote, with either a yes, aye, no or nay on any issue.

2.By Voice - the presiding officer shall call for a unison vote designating either a yes or no, or an aye or nay vote.

3.By Show of Hands - an alternate method that can be used in place of a voice vote if no member objects.

E.Verifying a vote – Upon final calculation of any vote as announced by the presiding officer other than by a voice vote shall be called audibly by the Clerk, to the presiding officer, who then will finalize the vote with his announcement of same, as called by the Clerk.

F.Absentee Voting – The right to vote is limited to members of the Council who are actually present at the time the vote is taken in any scheduled meeting, either regular or special.

G.Tie Vote – If a vote for passage or denial of a proposed ordinance or resolution ends in a tie vote, the ordinance or resolution shall return to committee.

(Resol. No. 03-96 (part) Effec. 1-9-96; Resol. No. 02-78 Effec. 6-13-78)

SECTION 15: PUBLIC HEARINGS

Public Hearings with final action taken by the County Council shall be held relative to all rezoning petitions, resolutions and ordinances before the Council pursuant to Indiana Statutes governing advertising, if and providing the following has taken place:

A. The head of the department initiating, or affected by such bill, the petitioner and/or counsel on any bill relating to rezoning, or any person or entity other than a department of the municipal government of St. Joseph County who has initiated such bill, or their respective representatives, are present at the time and place of such public hearing and final action.

B. In the event that the head of the department initiating or affected by such bill, the petitioner and/or counsel on any bill relating to rezoning, or any person or entity other than a department of the municipal government of St. Joseph County who has initiated such bill, or their respective representatives, are not present at the time and place of such public hearing for final action, in that event, if any citizen or citizens of St. Joseph County are present at the time and place so advertised for such public hearing, such public hearing may be held upon the consent of the majority of the Council, so as to allow them to speak to the merits of the proposed ordinance, resolution or rezoning petition, and the same shall then be continued to a date, time and place certain, for conclusion and final action.

C. The Secretary of the County Council shall so notify by written notification, the head of any department initiating, or who will be affected by such bill, the petitioner and/or counsel on any bill relating to rezoning, or any person or entity other than a department of the municipal government of St. Joseph County who has initiated such bill or their respective representatives, that such public hearing and final action will take place; and so stating the date, time and place of such hearing.

(Resol. 03-78 Effec. 6-13-78 Amends the Rules by adding the entire Section thereto)

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\*\*\*\*\*, President

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\*\*\*\*\*, President Pro-Tempore

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\*\*\*\*\*, Vice President Pro-Tempore

