

CHAPTER 30: BRANCHES OF GOVERNMENT

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EXECUTIVE

§ 30.01 EXECUTIVE BRANCH; MAYOR'S DUTIES; VARIOUS BOARDS ESTABLISHED.

(A) (1) The Mayor is the city executive and head of the executive branch.

(2) He or she shall faithfully perform the duties and responsibilities contained in I.C. 36-4-5-3 and other statutes of the state.

(B) There is established the Board of Public Works and Safety within the executive branch. The 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 established as follows:

(1) Police Department;

(2) Fire and Ambulance Department;

(3) Utilities Department, consisting of the sewage collection and disposal system and wastewater treatments;

(4) Street and Sanitation Department;

(5) Engineering Department; and

(6) Building Department which shall include the City Americans with Disabilities Act ("ADA") Compliance Program.
(Ord. 2011-39, § 1)

(C) There is established the Department of Law pursuant to I.C. 36-4-9-12.

(D) There is established the Department of Parks and Recreation to be controlled and operated by the Park and Recreation Board established pursuant to I.C. 36-10.

(E) There is established the Department of Planning and Economic Development. The Department shall consist of 2 divisions:

(1) Planning Division, organized under I.C. 36-7; and

(2) Economic Development Commission, organized under I.C. 36-7.

(F) There is established a department and instrumentality of the City for older citizen programs which shall be known as the "Maria Reiner Center of Hobart." Said department is an integral part of the City of Hobart. Notwithstanding the provisions of this sub-chapter, such department shall be governed by and subject to the provisions of [§§31.060 through 31.066](#) of the Municipal Code.
(Ord. 2011-01, § 1)

(G) The members of the Board of Public Works and Safety are the Mayor and 2 voters of the city who shall be chosen by the Mayor and serve at his or her pleasure. The Chiefs of the

Police and Fire Departments and the heads of the Departments of Law, Sewage, Street and Sanitation Department, Engineering Department and Building Department are appointed by the Mayor and serve at his or her pleasure (I.C. 36-4-9). Pursuant to I.C. 36-4-9-2, the Mayor shall appoint the heads of the Departments of Parks and Recreation and Planning and Development with the approval of the statutory board or commission operating the Department. The appointees shall serve at the pleasure of the Mayor (I.C. 36-4-11-2).

(H) Subject to the appropriation power of the Common Council the 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.

(Prior Code, § 2-1) (Ord. 1704, (part))

§ 30.02 ASSISTANT CITY ATTORNEY; OFFICE CREATED.

There is established and created the Office of Assistant City Attorney in and for the city. (Prior Code, § 2-2) (Ord. 1191, § 1)

§ 30.03 BOARD OF FINANCE, BOARD OF PUBLIC WORKS AND SAFETY; MEETINGS.

(A) Meetings of the Board of Public Works and Safety shall be held at 3:30 p.m. on the same day as regular meetings of the Common Council. If a meeting of the Common Council is rescheduled under [§ 30.21](#)(B), the meeting of the Board of Public Works and Safety will be held at 3:30 p.m. on the day of the re-scheduled meeting of the Common Council. When meetings of the Board of Finance are required by law, the Common Council shall designate the time and date of the meetings.

(B) The Clerk-Treasurer shall impose and collect a fee in the amount of \$500.00 from any person or organization who requests a special meeting of the Board of Public Works and Safety for the purpose of acting upon some financial incentive or other action which confers upon such person some private pecuniary benefit, in any month in which there is already scheduled at least one (1) regular meeting of the Board of Public Works and Safety. The Clerk-Treasurer shall collect such fee, in full, prior to scheduling the special meeting.

(Prior Code, § 2-3) (Ord. 91-52, § 2; Ord. 94-10, § 1(part); Ord. 2002-58; Ord. 2017-10, § 2)

LEGISLATIVE

§ 30.20 LEGISLATIVE BRANCH.

(A) The legislative branch of the city is the Common Council. The Council shall have exclusive authority to adopt ordinances and appropriate tax moneys received by the city and to perform other necessary and desirable legislative functions (I.C. 36-4-6).

(B) The city's Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by I.C. 36-4-6-9 and such others as the Council may direct.

(Prior Code, § 2-4) (Ord. 1704, (part))

§ 30.21 COMMON COUNCIL; MEETINGS.

(A) Meetings of the Common Council shall be held at 6:00 p.m. on the first and third Wednesdays of each month. The meetings shall be held in the Council chambers at the City Hall or at any other location designated by the Common Council.

(B) When any day fixed for a meeting of the Common Council shall be a day designated by law as a legal holiday, the meeting shall be re-scheduled, or cancelled, as directed by the Common Council.

(Prior Code, § 2-5) (Ord. 91-52, § 1; Ord. 94-58, § 1; Ord. 2002-58)

§ 30.22 MAYOR TO PRESIDE; TEMPORARY PRESIDING OFFICER.

The Mayor shall preside at all meetings of the Common Council. In the absence of the Mayor, the president pro tempore shall preside at any meeting of the Common Council. The Mayor shall not be considered a member of the Common Council for any purpose. The Mayor shall recognize any member of the Common Council who seeks the floor to speak at a meeting of the Common Council. The Mayor may not participate in deliberations at meetings of the Common Council unless requested to do so by a member of the Common Council.

(Prior Code, § 2-6) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.23 COUNCIL MEMBERS; DUTY TO VOTE.

Every member of the Council who is present when a question is put shall give his vote thereon, unless he excuses himself.

(Prior Code, § 2-7) (Ord. 4, § 1) (Ord. 2008-06, § 1)

§ 30.24 COUNCIL MEMBERS; RECONSIDERATION OF VOTE.

When any question has been once decided, any member may have a reconsideration thereof, at the same or next subsequent regular meeting and resolutions adopted may be rescinded by subsequent resolutions and ordinances passed may be repealed by subsequent ordinances and ordinances may be suspended for a time definitely stated by subsequent resolutions and ordinances.

(Prior Code, § 2-8) (Ord. 4, § 1)

§ 30.25 COUNCIL MEETINGS; READING OF PAPERS.

Resolutions, reports and all other papers and documents properly before the Council may be committed and recommitted at the pleasure of the Council. When the reading of any paper is called for, if objection is made, it shall be decided by the Council, and no papers shall be read, if objected to, without the consent of the Council.

(Prior Code, § 2-9) (Ord. 4, § 1)

§ 30.26 COUNCIL MEETINGS; ROLL CALL VOTING.

The vote on all ordinances and resolutions shall be by calling the roll and recording the ayes and nays. The vote on all other matters shall be by voice vote, except when a roll call vote is requested by 2 or more members of the Common Council. The Mayor may not order a roll call vote. The Clerk-Treasurer shall record all votes.

(Prior Code, § 2-10) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.27 COUNCIL MEETINGS; VOTING; TIES.

(A) In all votes taken, when there shall be a tie, the Mayor shall cast the deciding vote, except on final passage of an ordinance.

(B) If, when a vote is taken, the Mayor is absent and there is a tie vote, the question shall lie on the table and may be taken up at any subsequent meeting, on motion.

(Prior Code, § 2-11) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.28 COUNCIL MEETINGS; SPECIAL; AUTHORITY TO CALL.

The Mayor shall call special meetings of the Council upon the written request of any 4 members or whenever, in his or her opinion, the public business shall require it. The special meetings shall be called by notice, in writing, signed by the Mayor, and served by reading or by copy on all members of the Council. The notice shall state the date, time, location and exact purpose of the special meeting. The Clerk-Treasurer shall impose and collect a fee in the amount of \$750.00 from any person or organization who requests a special meeting of the Common Council for the purpose of acting upon some financial incentive or other action which confers upon such person some private pecuniary benefit, in any month in which there is already scheduled at least one (1) regular meeting of the Common Council. The Clerk-Treasurer shall collect such fee, in full, prior to scheduling the special meeting.

(Prior Code, § 2-12) (Ord. 4, § 1; Ord. 94-58, § 1(part)) (Ord. 2013-25, § 1)

§ 30.29 COUNCIL MEETINGS; ADJOURNMENT.

Regular meetings may be adjourned at the pleasure of the Common Council and the adjourned meeting shall have the force and effect of regular meetings.

(Prior Code, § 2-13) (Ord. 4, § 1)

§ 30.30 INTRODUCTION OF ORDINANCES, RESOLUTIONS.

All ordinances and resolutions shall be introduced by a member of the Council or the Mayor or by a committee of the Council. The city's Clerk-Treasurer shall provide each Council member and the Mayor with a copy of the ordinance or resolution prior to its introduction.

(Prior Code, § 2-14) (Ord. 4, § 1; Ord. 1482, § 1)

§ 30.31 ORDINANCE PASSAGE; PASSAGE ON DAY OF INTRODUCTION.

(A) Every ordinance shall receive 2 readings in open Council prior to its passage and each reading may be by title only.

(B) No ordinance may be passed at the same meeting at which it is introduced and approved on first reading, unless there is a suspension of rules by unanimous consent of the members present, followed by a 2/3 vote of all the elected members to pass the ordinance.
(Prior Code, § 2-15) (Ord. 4, § 1; Ord. 1482, § 2; Ord. 94-40, § 1; Ord. 94-58, § 1(part))

§ 30.32 ORDINANCE PASSAGE; FIRST AND SECOND READINGS.

Upon the first or second reading of an ordinance, it shall be in order to commit, amend, lay upon the table, postpone or pass to its second reading and, after the commitment and report and at any time before its final passage, an ordinance may be committed or recommitted.
(Prior Code, § 2-16) (Ord. 4, § 1; Ord. 94-58, § 1(part))

§ 30.33 SEATING AT COUNCIL MEETINGS.

The Common Council shall have the exclusive authority to assign seating at all meetings of the Common Council. The Common Council shall assign seating from time to time by adoption of a motion specifying the seating location of the 7 Common Council members, the Common Council Attorney, the Mayor and the city's Attorney.
(Prior Code, § 2-17) (Ord. 94-58, § 1(part))

§ 30.34 RIGHT TO ADDRESS COUNCIL; VERBAL REPORTS.

No person, not a member of the Council, shall be permitted to address the same except by petition, unless by the unanimous consent of the Council; provided that, any city officer may, when called upon, make a verbal report.
(Prior Code, § 2-18) (Ord. 4, § 1)

§ 30.35 COMMITTEES; ELECTION; AUTHORITY.

The Council shall elect by a majority vote of those members present all standing and select committees of the Council, which committees shall consist of members of the Council only.
(Prior Code, § 2-19) (Ord. 4, § 1) (Ord. 2008-04, § 1)

§ 30.36 COMMITTEES; COMPOSITION.

(A) The standing committees of the Council shall consist of the following:

- (1) Committee on Finance;
- (2) Committee on Streets and Alleys;

- (3) Committee on Lights and Water;
- (4) Committee on Ordinances; and
- (5) Committee on Health and Sanitation.

(B) The Committee on Finance shall consist of all members of the Common Council. All other standing committees shall consist of 3 members elected by majority vote of those members present from members of the Common Council. The Council shall elect by majority vote of those members present 1 member of each committee as its chairperson.
(Prior Code, § 2-20) (Ord. 4, § 2; Ord. 1971) (Ord. 2008-04, § 2)

§ 30.37 COMMITTEES; REFERRALS; REPORTS TO COUNCIL.

(A) All references to standing committees may be made by the Council, upon motion, when no objections are made.

(B) All questions so referred shall be reported to the Council by the committee at the next regular meeting of the Council, unless, upon request, the Council shall grant the committee further time.
(Prior Code, § 2-21) (Ord. 4, § 3)

§ 30.38 RULES OF PROCEDURE.

Roberts' Rules of Order, newly revised, shall be authority on all questions of parliamentary law and procedure not specifically covered by this subchapter.
(Prior Code, § 2-22) (Ord. 94-58, § 1(part))

§ 30.39 SERGEANT AT ARMS.

The Chief of Police, or his or her designee, shall serve as sergeant at arms of the Common Council. The Mayor shall exercise initial authority to assign duties to the sergeant at arms to preserve order at Common Council meetings. By motion adopted from time to time, the Common Council shall exercise the Chief of Police, or his or her designee, is unavailable or unwilling to perform the duties, the Common Council may assign the duties to another individual.
(Prior Code, § 2-23) (Ord. 94-58, § 1(part))

JUDICIAL

§ 30.50 JUDICIAL BRANCH.

There is established, effective January 1, 1984, the City Court of Hobart to be headed and operated by a city judge elected and seated pursuant to I.C. 33-35-1-3.
(Prior Code, § 2-24) (Ord. 1704, (part))

FISCAL

§ 30.65 FISCAL BRANCH.

(A) The city's 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.

(B) The city's Clerk-Treasurer is authorized, pursuant to I.C. 36-4-11-4, to appoint the number of deputies and employees authorized by the Common Council. The employees shall work under the exclusive direction of the city's Clerk-Treasurer and serve at the pleasure of the city's Clerk-Treasurer.

(C) The city's Clerk-Treasurer shall furnish space within his or her office for the administration and records of the city's utilities. The various utility clerks needed to manage the bookkeeping and administrative requirements of the utilities shall be appointed and compensated by the board having control of the utility the clerk serves. The utility clerks serve at the pleasure of the board which appointed them. The city's Clerk-Treasurer shall be compensated for services he or she renders to the city's utilities and shall have the power to supervise the utility personnel in his or her office, subject to the approval of the governing boards of the various utilities.
(Prior Code, § 2-26) (Ord. 1704, (part))