

**By-Laws, Rules and Procedures**  
**of the**  
**BEECH GROVE ECONOMIC DEVELOPMENT COMMISSION**

**October 24, 2017**

**Article I – Authority, Identification, and Duties**

101. Authority. The Beech Grove, Indiana Economic Development Commission (hereinafter referred to as the “Commission”) exists as an economic development commission under the authority of Section 36-7-12-4 of the Indiana Code and Ordinance No. 25, 2016, of Beech Grove, Indiana, and all subsequent amendments thereto. These by-laws, rules, procedures, and regulations are adopted in accordance with the requirements of Section 36-7-12-13 of the Indiana Code.

102. Seal. The official seal of the Commission shall be the same seal as that which is used by the City of Beech Grove, Indiana.

103. Fiscal Year. The fiscal year of the Commission shall begin on the first day of January and shall end on the 31st day of December of the succeeding year.

**Article II – Members, Officers, and Staff**

201. Members. The Commission shall consist of five (5) voting members, appointed in accordance with Section 36-7-12-5 of the Indiana Code. If a vacancy occurs among the members of the Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member.

202. Officers. At its first regularly scheduled meeting in each fiscal year (see “organizational meeting”, Article III), the Commission shall elect from its voting membership a president, a vice-president, and a secretary. Each officer shall serve during the period of their membership on the Commission for the balance of the fiscal year.

202.1. President. The President shall:

202.11. Preside over all meetings of the Commission;

202.12. Have a discretionary authority concerning the order in which agenda items will be heard;

202.13. Appoint committees, and conduct or delegate research;

202.14. Rule on all points of procedure, unless overruled by a majority of the entire membership of the Commission;

202.15. Sign all documents of the Commission;

202.16. Manage the budget or the Commission;

202.16. Be the official spokesperson for all matters relevant to the Commission; and

202.17. Authorize all press releases and similar public statements issued by the Commission.

202.2. Vice-President. The Vice-President shall act as President during the absence or disability of the President.

202.3. Secretary. The Secretary shall:

202.31. Attest to all official documents and be the custodian of the records, minutes, and resolutions of the Commission.

202.32. Attend all meetings, make a taped transcript of each meeting, and prepare the minutes of each meeting.

202.33. Prepare agendas as directed by the President, prepare reports as directed by the Commission, and prepare the budget for the Commission.

202.34. Schedule and conduct other activities required by the Commission.

202.4. Vacancies. The following rules shall apply to vacancies:

202.41. In the event that neither the President nor the Vice-President are at the meeting, the remaining members shall elect a president pro-tem to preside at the respective meeting, with all such authority to act as president ceasing at the adjournment of said meeting.

202.42. Upon the resignation, replacement or death of any of the officers described in Section 202 of these By-Laws, the Commission shall, at its next regularly scheduled meeting, elect a successor to serve out the term of the vacating officer.

Commissioners shall hold over after the expiration of their terms until their respective successors have been duly appointed and qualified.

203.1. Staff. The Commission shall appoint a Legal Counsel in order to discharge the duties of the Commission.

203.11. The Legal Counsel shall interpret all questions concerning state statutes, city ordinances, and the rules and procedures which pertain to the actions and decisions of the Commission. The Legal Counsel shall also take all necessary actions upon the direction of the Commission.

### **Article III – Meetings**

301. Public Meetings and Notices. All meetings of the Commission shall be public meetings and shall be subject to the Open Door Law of the State of Indiana (IC 5-14-1-5). Notice of any meeting of the Commission shall be posted in the City Building and shall also be mailed to the news media at least forty-eight (48) hours prior to the meeting. **The 48-hour notification period cannot, however, include any hours falling on any Saturday, Sunday, or legal holiday.**

302. Places of Meetings. Except as otherwise determined by either the President or a majority of the entire membership of the Commission the meetings of the Commission shall be held in the Beech Grove City Hall.

303. Organizational Meeting. The first regular meeting of each fiscal year shall be the annual organizational meeting of the Commission. The members shall meet to (1) nominate and elect officers for the respective fiscal year, (2) appoint staff for the fiscal year, (3) discuss the previous year's annual report and the upcoming program design for the Commission, and (4) conduct any business which has been placed on the agenda of the Commission.

304. Regular Meetings. The Commission shall conduct its regular meetings as needed at Beech Grove City Hall.

305. Special Meetings. Special meetings shall be held *either* upon call of the President, *or* upon a written request by at least two (2) Commission members, *or* as determined at a regular meeting. All members shall be notified of the date, time and place of a special meeting. Notice of the special meeting shall be given in the same manner as required for regular meetings.

306. Agenda. An agenda for each meeting shall be prepared by the Secretary, and the agenda shall list all of the business items to be considered by the commission. The business items shall be listed on the agenda in the order in which they were filed with the President. No petition shall be considered by the Commission unless it appears on the agenda.

The agenda shall be emailed to (1) all members of the Commission, (2) each petitioner or his or her agent, and (3) any party filing a written request at the beginning of the fiscal year to have agendas sent to them. The agenda shall be mailed to each of these parties and shall be available for public inspection at City Hall no later than forty-eight (48) hours prior to any meeting date, with said 48-hour period not including any Saturdays, Sundays, or legal holidays.

307. Quorum. A majority of the members of the Commission who are qualified to vote shall constitute a quorum.

308. Order of Business – Regular Meetings. The order of business at regular meetings shall be as follows:

- 308.1. Call to Order
- 308.2. Roll Call and Determination of Quorum
- 308.3. Discussion and Approval of Minutes
- 308.4. Old Business
- 308.5. New Business
- 308.6. Other Business (communications, etc.)
- 308.7. Staff Reports
- 308.8. Adjournment

309. Order of Business – Special Meetings. The order of business at special meetings shall be as determined by the Commission, except that no business except the business for which the meeting was called shall be discussed at a special meeting.

310. Addressing the Commission. Except for the Elected Officials of the City of Beech Grove, no persons shall be allowed to address the Commission unless they make a request to receive consent from the President to do so.

311. Order and Courtesy. The President shall preserve order at all times and shall admonish any member or other person in attendance at the meeting that uncivil and disruptive behavior is not allowed, and that any such person could be asked to leave the meeting. If, after the President’s admonishment, the individual persists in conducting himself or herself in an uncivil or disruptive manner, the President shall call a recess to solicit any assistance which may be necessary to have the disruptive individual removed from the meeting.

#### **Article IV – Procedural Rules and Official Actions**

401. Procedural Rules. All Meetings shall be conducted in a parliamentary manner which is consistent with the parliamentary procedures outlined in *Robert’s Rules of Order*, except to the extent where any such procedures conflict with either state statutes, city ordinances, or the by-laws, rules and procedures outlined herein.

402. Official Actions. All official actions of the Commission shall be conducted at either a regular or special meeting of the Commission. No action shall be official, however, unless the decision is made by a majority vote of the entire membership of the Commission.

403. Voting. Voting shall be conducted as follows:

403.01. Votes Cast in Unison. For routine matters such as the approval of minutes, adjournments, etc., which are unrelated to petitions or other formal decisions, the President shall ask for a voice vote to be cast in unison as to whether the members are in favor of or are opposed to the action.

403.2. Roll Call Vote. For all petitions and all other formal matters (other than the types of routine matters described in Section 403.1. above), the President shall ask each member individually how he or she is voting on the question.

404. Conflict of Interest. No member of the Commission may participate in any hearing, discussion or decision of the Commission concerning any matter in which he or she has either a pecuniary or financial interest. Any member with any such conflict of interest must (1) make this fact be known at the respective public meeting *prior* to any discussion of being heard on the matter, and (2) abstain from either discussing or voting on the matter.

405. Communication with Commission Members and Staff. No Petitioner or agent for any Petitioner shall communicate with either any member of the Commission or staff of the Commission with intent to influence either the member’s action or the staff’s recommendation on any matter pending before the Commission.

## Article V – Procedural Rules and Official Actions

501. Preparation and Custodianship. The Secretary of the Commission shall prepare the minutes of the meetings, and maintain a copy of the minutes from each meeting. The minutes shall include the vote of each member on each question presented or indicate whether the member was absent, abstained with permission, or did not vote because of a disqualification.

502. Public Records. The minutes of the Commission meetings and all records shall be filed in the office of the Commission and are public records, as defined by IC 5-14-3.

503. Approval of Minutes. The minutes shall be presented to the Commission for approval at the next succeeding regular meeting. When approved, the minutes shall be signed by the President and attested to by the Secretary.

## Article VI – Petitions

601. Application. Any applications for tax abatement shall be made to the Indianapolis Department of Metropolitan Development (“DMD”) in the form approved by the DMD. For property that is within the legal boundaries of the City of Beech Grove, the City of Beech Grove EDC shall take all appropriate action under the law to effectuate any action necessary for an approved tax abatement.

## Article VII – Amendments and Suspension of Rules

701. Amendments. These rules may be amended by a four-fifths 4/5 vote of the entire membership of the Commission.

702. Suspension of Rules. Any of these *Rules and Procedures* or any portion thereof may be suspended by a four-fifths (4/5) vote of the entire membership of the Commission. Any such suspension of these *Rules and Procedures*, however, shall not continue beyond the adjournment of the respective meeting during which the motion to suspend the Rules was passed.

## Article VIII – Legal Status Provisions

801. Validity and Severability. If any section, clause, provision, or portion of these *By-Laws, Rules or Procedures* shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of these *By-Laws, Rules or Procedures*, which are not of themselves invalid or unconstitutional.

802. Applicable Law. These *By-Laws, Rules or Procedures* shall be construed to be in accordance with the laws of the State of Indiana.

803. Certification. These By-Laws, rules and Procedures are hereby adopted by the Beech Grove Economic Development Commission, with said adoption having been approved by an Affirmative vote of the Commission at its regular public meeting held on the 24<sup>th</sup> day of October 2017.

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Mike Pence, President

ATTEST:

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Andrew Noone, Secretary