

**RESOLUTION 21-17**

**A RESOLUTION ESTABLISHING AN ELECTRONIC MEETINGS POLICY**

WHEREAS, the Indiana General Assembly adopted HEA 1437 in the 2021 Regular Session, which amended Indiana Code (IC) 5-14-1.5-1 et seq. (Act) by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by an electronic means of communication; and

WHEREAS, a member of the governing body may participate by any means of communication that:

- allows all participating members of the governing body to simultaneously communicate with each other; and
- except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting; and

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and allows the governing body to adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5; and

WHEREAS, the Bloomington Common Council is the governing body of the City of Bloomington, Indiana and wishes to adopt such a policy;

THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. The Bloomington Common Council adopts the following policy on the participation of a member of the Council, city staff, and members of the public in a meeting by an electronic means of communication:

**ELECTRONIC MEETINGS POLICY**

Section 1.

- (a) The provisions of the Act, including definitions, apply to this resolution.
- (b) This resolution shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any of its committees, including committees appointed directly by the Council or its presiding officer.

Section 2.

- (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that:
  - (1) allows all participating members of the governing body to simultaneously communicate with each other; and
  - (2) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
- (b) A member who participates by an electronic means of communication:
  - (1) shall be considered present for purposes of establishing a quorum; and
  - (2) may participate in final action only if the member can be seen and heard.
- (c) All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

Section 3.

(a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication unless the member's electronic participation is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

Section 4. The memoranda and any minutes prepared for a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
  - (A) was physically present at the meeting;
  - (B) participated in the meeting by electronic means of communication; and
  - (C) was absent; and
- (2) identify the electronic means of communication by which:
  - (A) members participated in the meeting; and
  - (B) members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. No member of the Council may participate by means of electronic communication in a meeting if the Council is attempting to take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) use the Council's eminent domain authority; or
- (7) establish, raise or renew a tax.

Section 6. In the event the governor declares a disaster emergency under IC 10-14-3-12 or the executive (as defined in IC 36-1-2-5) of a political subdivision declares a local disaster emergency under IC 10-14-3-29, the Council may meet by any means of electronic communication if the following requirements of IC 5-14-1.5-3.7 are satisfied:

- (1) At least a quorum of the members of the Council participate in the meeting by means of electronic communication or in person.
- (2) The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
- (3) The memoranda and any minutes prepared for a meeting held under this section must:

- (A) state the name of each member of the Council who:
  - (i) participated in the meeting by using any electronic means of communication; and
  - (ii) was absent; and

- (B) identify the electronic means of communication by which:
  - (i) members of the Council participated in the meeting; and
  - (ii) members of the public attended and observed the meeting, if the meeting was not an executive session.

(4) All votes taken during a meeting under this section must be taken by roll call vote.

Section 7. Members of the public shall be able to attend and observe meetings of the Council via electronic means. Subject to the Council's rules for making public comment, members of the public may also participate in the meeting via electronic means. Meeting notices shall be posted as required by law, and will include information about how to access meetings electronically.

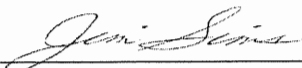
Section 8. Staff members may participate in meetings of the Council via electronic means, provided there is no actual need for a staff member to be physically present at a particular meeting. Such need shall be determined in the sole discretion of the presiding officer.

SECTION II. Until the respective governing bodies within the city adopt their own policies, the policy adopted herein may serve as the electronic meeting policy for each governing body. Each governing body is encouraged to adopt policies that mirror these and that conform to Indiana law at the next opportunity.

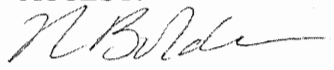
SECTION III. If any sections, sentence or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION IV. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 26 day of May, 2021.

  
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JIM SIMS, President  
Bloomington Common Council

ATTEST:

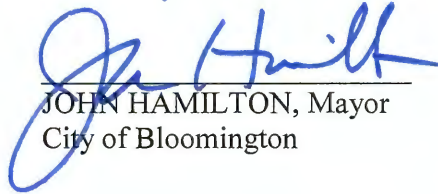
  
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NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 27 day of May, 2021.



NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 28<sup>th</sup> day of May, 2021.



JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This resolution adopts an Electronic Meetings Policy pursuant to newly-enacted state statutes concerning electronic meetings. The Policy establishes the procedures that apply to a member's participation in a meeting by an electronic means of communication, as well as to the participation of the public and city staff members by electronic means of communication.

Distributed to: Clerk, Council Attorney, Legal, Mayor