

**BLOOMINGTON TRAFFIC COMMISSION  
AGENDA**

**June 23, 2021**

**4:30 P.M. – Virtual Meeting**

Online link: <https://bloomington.zoom.us/j/92922813415>

Meeting ID: 929 2281 3415

Dial in: +1 312 626 6799, 929 2281 3415 # US (Chicago)

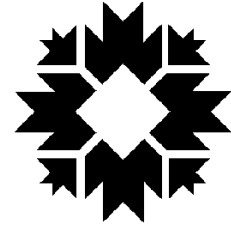
- I. Call to Order
- II. Approval of Minutes – none at this time
- III. Communications from Commission
- IV. Public Comment\*
- V. Reports from Staff
- VI. Old Business\*
- VII. New Business\*
  - A. Electronic Meetings Policy Resolution\*
  - B. Parking Minimums
- VIII. Traffic Inquiries
- IX. Adjournment

*Next meeting – August 25, 2021*

*\*Action Requested/Public comment prior to any vote (limited to five minutes per speaker)*

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Planning and Transportation  
Department  
Memorandum  
City of Bloomington



**TO: Traffic Commission Members**  
**FROM: Beth Rosenbarger, AICP, Planning Services Manager**  
**RE: Resolution 21-01 - Electronic Meetings Policy**  
**DATE: June 18, 2021**

**MEMORANDUM**

Resolution 21-01 modifies the Traffic Commission’s Rules and Procedures and establishes an Electronic Meetings Policy (“Policy”) for the Traffic Commission. The Resolution and the policy it contains are consistent with policies adopted by the Common Council and other Bloomington boards and commissions. During the state-declared public health emergency, which currently extends to June 30, 2021, the Commission has conducted its meetings using electronic communication. This has, until recently, been allowed under executive orders issued by the Governor. On April 20, 2021, a new state law (HEA 1437, included herein) was signed that creates a statutory framework to allow for a different form of electronic meeting participation. The law provides rules that apply when under a declared public health emergency, as well as rules that will apply during nonemergency times.

When under a declared public health emergency, the Commission will be able to conduct its meetings remotely and all members may attend via electronic means. Such meetings must allow for the public to simultaneously attend and observe the meeting. When not under a declared emergency, state law now provides for certain minimum requirements that the Commission must follow. These requirements are reflected in Resolution 21-01. The Commission’s procedures may be more restrictive than the procedures in the state law, but may not be less restrictive. Additional limitations include:

- (1) limiting the number of members who may participate by electronic communication in any one (1) meeting so that at least a quorum of members must be present at an in-person meeting;
- (2) limiting the total number of meetings in a calendar year by which a member of the Commission may participate electronically, and
- (3) requiring a member, except for certain emergency meetings, who plans to attend a meeting by any electronic means of communication to notify the presiding officer and staff at least three days ahead of the meeting, so that arrangements may be made for the member's participation by electronic communication and so that notices may be appropriately modified.

Sections 7 and 8 of the Policy address the participation by members of the public and city staff in Commission meetings, respectively. These provisions are not required by state law, but reflect how the Commission has operated since the beginning of the public health emergency. The Commission may amend the Policy as needed after adoption, but should consider adopting a policy before the declared public health emergency expires.

## RESOLUTION 21-01

### A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE TRAFFIC COMMISSION, ASSOCIATED STAFF, AND MEMBERS OF THE PUBLIC MAY PARTICIPATE IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

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 Traffic Commission is an advisory body of the City of Bloomington, Indiana and wishes to adopt such a policy;

THEREFORE, BE IT RESOLVED BY THE TRAFFIC COMMISSION OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. The Bloomington Traffic Commission's Rules and Procedures are modified to add a new Subsection under Section V entitled Subsection "E", which shall read as follows:

#### Section V. Procedure(s)

...

E. In accordance with Indiana Code sections 5-14-1.5-1 and 5-14-1.5-3.5, et seq., Traffic Commission meetings may be conducted electronically. The Traffic Commission adopted an electronic meetings policy via Resolution 21-01, which is incorporated into these Rules and Procedures by reference.

Section II. The Bloomington Traffic Commission hereby adopts the following policy on the participation of a member of the Commission, city staff, and members of the public in a meeting of the Traffic Commission 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” and applies to the Commission and any of its committees.

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.

(d) A member who plans to attend a meeting by any electronic means of communication shall notify the presiding officer and relevant staff within three (3) days before the meeting so that arrangements may be made for the member's participation by electronic communication and so that notices may be prepared.

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 Commission may participate by means of electronic communication in a meeting if the Commission 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 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 Commission 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 Commission 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 Commission 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 Commission 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. At any meeting of the Commission where any member participates by an electronic means of communication, members of the public shall be able to attend and observe the meeting via electronic means. Subject to the Commission's rules for making public comment, members of the public may also participate in the meeting via electronic means.

Section 8. At any meeting of the Commission where any member participates by an electronic means of communication, staff members may also participate in the meeting 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 III. If any section, 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 Traffic Commission.

ADOPTED by the Traffic Commission of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Ryne Shadday, Chair  
Bloomington Traffic Commission

## SYNOPSIS

This resolution adopts an Electronic Meetings Policy for the Bloomington Traffic Commission pursuant to newly-enacted state statutes concerning electronic meetings. The Policy mirrors a policy adopted by the Bloomington Common Council and 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.



**City of Bloomington Traffic Commission**  
**Rules & Procedures**

**Section I. Purpose and Duties.**

It shall be the duty of the Traffic Commission, and to this end it shall have the authority within the limits of the funds at its disposal, to coordinate traffic activities, to carry on educational activities in traffic matters, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the Common Council and to appropriate City officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

**Section II. Appointments.**

The Traffic Commission shall consist of the following nine members:

- A. A designee of the Transportation and Traffic Engineer;
- B. A designee of the Director of Public Works;
- C. A designee of the Chief of Police; and
- D. Six additional members who shall be appointed by the Common Council by majority vote in a properly convened session of the Council.

All terms shall be for two years.

**Section III. Qualifications.**

Each Common Council appointee shall be a resident of the City with preference being given so that each council district is represented.

**Section IV. Meetings.**

Annual regular meeting dates and times will be scheduled prior to the end of each calendar year.

- A. Changes to dates and times may be approved prior to each scheduled meeting by staff or the Chairperson (including cancellations and the scheduling of special meetings).
- B. A quorum for Traffic Commission meetings shall be five members or alternates (a majority of the membership).
- C. All Traffic Commission meetings are open to members of the public, absent an executive session held in accordance with the provisions of Indiana law.

Section V. Procedure(s).

A. Voting.

1. All votes shall be by simple voice vote, unless a member specifically requests a roll call vote.
2. If a member fails to vote upon any matter, any other member may raise the question and insist that the member either vote or state the reason for not voting and be excused.
3. Any member may change a vote before the result is announced.

B. Agenda. Staff shall provide a meeting packet with the date, time, location, agenda, and summary of minutes for each regular meeting at least 48 hours prior to their regular meeting. The Traffic Commission shall transact its business in the following order, but it may, by majority vote, amend the normal order of business and time limits set forth below:

1. Call to Order;
2. Approval of minutes;
3. Communications from Commission;
4. Public Comment\*;
5. Reports from Staff;
6. Old Business\*;
7. New Business\*;
8. Traffic Inquiries\*;
9. Commission Schedule; and
10. Adjournment.

\*The Chairperson may limit the length of time and number of times an individual may comment during public comment. The Chairperson shall explain these limits prior to hearing any public comment. This also may include limitations on repetitive or redundant comments to help ensure each individual has an opportunity to provide their comments.

C. Chair and Vice-Chair. The Traffic Commission members shall nominate and elect a Chairperson from among the members of the commission.

1. The Chairperson shall conduct all Traffic Commission meetings and help ensure each agenda item is given the opportunity for the Commission to sufficiently conduct their monthly business and to direct staff on future business items to consider.
2. In the Chairperson's absence, the Vice-Chairperson shall conduct meetings.
3. Elections for the Chairperson and Vice-Chairperson shall take place annually at the second meeting of the calendar year.
4. The Traffic Commission members may elect such other officers as it deems necessary.

D. Motions.

1. When a motion is made and seconded it shall be stated by the presiding officer before it shall be debated.

2. The name of the member making the motion or offering any business shall be entered into the minutes.
3. Unless otherwise provided by law, approval of any action shall be by simple majority of those members present and voting.