



**ADOPTION RESOLUTION FY 2022-01**

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE POLICY COMMITTEE, TECHNICAL ADVISORY COMMITTEE, AND CITIZENS' ADVISORY COMMITTEE OF THE BMCMPPO, ASSOCIATED STAFF, AND MEMBERS OF THE PUBLIC MAY PARTICIPATE IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION** as presented to the Policy Committee of the Bloomington/Monroe County Metropolitan Planning Organization on July 9, 2021.

**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 Committees of the Bloomington-Monroe County Metropolitan Planning Organization are governing bodies of the BMCMPPO and wish to adopt such a policy;

**NOW, THEREFORE, BE IT RESOLVED:**

1. **Section I.** The Bloomington-Monroe County Metropolitan Planning Organization's Rules and Procedures are modified in accordance with Indiana Code sections 5-14-1.5-1 and 5-14-1.5-3.5, et seq., BMCMPPO Committee meetings may be conducted electronically.
  
2. **Section II.** The BMCMPPO Policy Committee hereby adopts the following **Electronic Meeting Policy** on the participation of a member of the Committees, associated staff, and members of the public in a meeting of the Policy Committee, Technical Advisory Committee, and Citizens' Advisory Committee by an electronic means of communication:

The provisions of the Act, including definitions, apply to this resolution. This resolution shall be known as the "Electronic Meetings Policy" and applies to the BMCMPPO and any of its committees, including the Policy Committee, the Technical Advisory Committee, and the Citizens' Advisory Committee.

Subject to Sections III and V, any member may participate in a meeting by any electronic means of communication that simultaneously communicate with each other and other than a meeting that is an executive session, allows and the public to simultaneously attend and observe the meeting.

A member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum and may participate in final action only if the member can be seen and heard. 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.

3. **Section III.** 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.

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 military service, illness or other medical condition, death of a relative, or an emergency involving actual or threatened injury to persons or property.

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 military service, illness or other medical condition, death of a relative; or an emergency involving actual or threatened injury to persons or property.

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

4. **Section IV.** 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 was physically present at the meeting, (2) participated in the meeting by electronic means of communication, (3) was absent; (4) identify the electronic means of communication by which members participated in the meeting; (5) members participated in the meeting; and (6) members of the public attended and observed the meeting, if the meeting was not an executive session.
  
5. **Section V.** 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 BMCMPO Committees may meet by any means of electronic communication if the following requirements of IC 5-14-1.5-3.7 are satisfied:
  - At least a quorum of the members of the Committee participate in the meeting by means of electronic communication or in person.
  - The public is able to simultaneously attend and observe the meeting; however, this subdivision does not apply to a meeting held in executive session.
  - The memoranda and any minutes prepared for a meeting held under this section must state the name of each member of the Committee who participated in the meeting by using electronic means of communications, was absent, and identify the electronic means of communication by which members of the Committee participated in the meeting members of the public attended and observed the meeting if the meeting was not an executive session, and all votes taken during a meeting under this section must be taken by a roll call vote.
  
6. **Section VI.** At any meeting of the Committees 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 Committees' rules for making public comment, members of the public may also participate in the meeting via electronic means.
  
7. **Section VII.** At any meeting of the Committees 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.



8. **Section VIII.** 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.
9. **Section IX.** This resolution shall be in full force and effect from and after its passage by the BMCMPPO Policy Committee.

PASSED AND ADOPTED by the BMCMPPO Policy Committee upon this 9<sup>th</sup> day of July, 2021.

A handwritten signature in blue ink, appearing to read "Lisa Ridge".

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Lisa J. Ridge  
BMCMPPO Policy Committee Chair

A handwritten signature in blue ink, appearing to read "Patrick Martin".

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Attest: Patrick Martin  
BMCMPPO Senior Transportation Planner