

## RESOLUTION 21-01

### A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE COMMUNITY ADVISORY ON PUBLIC SAFETY COMMISSION 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 Community Advisory on Public Safety Commission is a governing body of the City of Bloomington, Indiana and wishes to adopt such a policy;

THEREFORE, BE IT RESOLVED BY THE COMMUNITY ADVISORY ON PUBLIC SAFETY COMMISSION OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. The Community Advisory on Public Safety Commission adopts the following policy, which shall be incorporated into any bylaws adopted by the Commission, on the participation of a member of the Commission 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" 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.

### 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 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 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.

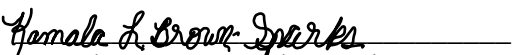
Section 7. Members of the public shall be able to attend and observe meetings of the Commission via electronic means. Subject to any rules for making public comment adopted by the Commission, members of the public may also participate in the meeting via electronic means. Meeting notices shall be posted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

Section 8. Staff members may participate in meetings of the Commission 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. 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 III. This resolution shall be in full force and effect from and after its passage by the Community Advisory on Public Safety Commission.

PASSED by the Community Advisory on Public Safety Commission of the City of Bloomington, Monroe County, Indiana, upon this 24<sup>th</sup> day of June, 2021.

  
Kamala Brown-Sparks, Acting President  
Community Advisory on Public Safety Commission

#### 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.