

BLOOMINGTON COMMON COUNCIL 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) The numerical requirements of in person attendance at meetings of Council and its committees are as follows:
 - (1) At meetings of Council committees, at least 50 % of the total committee members (meaning 2 members out of 4 total members, or 2 members out of 3 total members) must be present in person at a meeting, before an additional member(s) may participate in the meeting electronically, subject to other provisions of the Open Door Law.
 - (2) At meetings of the full Council, at least 5 members must be present in person at a meeting, before one or more members may participate in the meeting electronically, subject to other provisions of the Open Door Law.
- (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) Meetings of Council committees are subject to the following rules about electronic participation:
 - (1) Any member who plans to attend a meeting should attempt to attend the meeting in person;

- (2) Any member who can only attend a meeting by electronic means of communication must notify the presiding officer and City Clerk as required in subsection (f) below, subject to the provisions of IC 5-14-1.5 et seq.;
- (3) Should 50% of the total members attend a meeting, then at least all of those members must be in attendance in person, and quorum may be fulfilled with an additional member(s) attending electronically; and
- (4) If more than 50 % of the members attend a meeting, but less than 50 % of the members are in person, then one of the following must occur, subject to the discretion of the meeting chair:
 - (i) the gathering shall be delayed not more than 15 minutes until at least 50% of members are present in person, assuming quorum is met; or
 - (ii) the gathering shall be canceled or rescheduled.
- (e) Meetings of the Council are subject to the following rules about electronic participation:
 - (1) Any member who plans to attend a meeting should attempt to attend the meeting in person;
 - (2) Any member who can only attend a meeting by electronic means of communication must notify the presiding officer and City Clerk as required in subsection (f) below, subject to compliance with the provisions of IC 5-14-1.5 et seq.;
 - (3) If more than 5 members attend a meeting, then at least 5 members must be in attendance in person; and
 - (4) If more than 50% of members attend a meeting, but less than 5 members are in person, then one of the following must occur, subject to the discretion of the meeting chair:
 - (i) the gathering shall be delayed not more than 15 minutes until a quorum of members are present in person;
 - (ii) the gathering shall be canceled or rescheduled; or
 - (iii) in the event that the meeting is called and noticed as a Work Session, then this Section (e)(3) may apply, as follows: all members attending the Work Session by electronic means of communication shall leave the meeting, and the gathering shall continue only for the sub-majority members in person, solely as a sub-quorum discussion voluntarily open to the public, provided that the following conditions have been met:
 - (A) City staff confirms there are no longer members in attendance via electronic means of communications; and
 - (B) The chair announces that no decision or policy or recommendation will be made and no vote will be taken; and
 - (C) The sub-quorum gathering shall be treated as a “meeting” subject to the requirements of IC 5-14-1.5 et seq.; and
 - (D) The Work Session is limited, by its definition, to a group discussion among its members and potentially Council and/or Administration staff, free from procedural formalities, including but not limited to Robert’s Rules of Order and other procedural rules of the Bloomington Municipal Code.
- (f) It is preferred that, except in the case of an emergency meeting described under I.C. 5-14-1.5-5(d), any member who plans to attend a meeting by electronic means of communication notify the presiding officer and the City Clerk within no less than 48 hours before the meeting.

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.

Adopted May 26, 2021 by Resolution 21-17 and amended November 20, 2024 by Resolution 2024-24.