

**STARKE COUNTY COMMISSIONERS
RESOLUTION 2021- 013**

**ELECTRONIC MEETINGS POLICY
OF THE BOARD OF COMMISSIONERS**

WHEREAS the enactment of P.L. 88-2021 (HEA 1437) amended Ind. Code Chapter 5-14-1.5 (the “Act”) to authorize members of the governing body of a public agency to attend by electronic means any public meeting and to participate, conduct business, deliberate, caucus, and take official action including final action at that meeting as those terms and related terms are defined by IC § 5-14-1.5-2; and,

WHEREAS, electronic participation may including any means of communication that allows all participating members of the governing body to communicate with one another simultaneously, and (except for an executive session), also allows the public simultaneously attend and observe the meeting.

WHEREAS IC § 5-14-1.5-3.5 provides statutory parameters for the attendance of members of the governing body of a public agency, including requiring a written policy, including one that is more restrictive than the terms of the state statutory framework; and,

WHEREAS the Board of Commissioners of Starke County are members of the governing body of Starke County for general executive purposes as well as certain legislative purposes, and have determined that it will be conducive to the efficient and reliable operation of the Board and will therefore serve the public interest, that the Board adopt a policy authorizing and defining more particularly the terms under which its members may participate in a public meeting by electronic mean.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Starke County, Indiana (the “Commissioners”) that:

SECTION I

- 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 Board of Commissioners of Starke County.

C. This Resolution applies to the Board of Commissioners and any committee appointed directly by the Board of Commissioners or its presiding officers.

SECTION II

A. Subject to terms and limitations set out in Sections III and V below, any member may participate in a meeting by any electronic means of communication that: (1) allows all participating members of the governing body to communicate with one other simultaneously; 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 member participates by an electronic means of communication must be taken by roll call vote.

SECTION III

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 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 IV

The minutes or memoranda of 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) each member who 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 V

No member of the Board of Commissioners may participate by means of electronic communication in a meeting at which the Board of Commissioners may 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) exercise a power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

SECTION VI

A. Notwithstanding Sections III and V above, during an emergency declared by:

- (1) the governor pursuant to IC § 10-14-3-12; or

(2) the Board of Commissioners pursuant to IC § 10-14-3-29;
no members are required to be physically present for a meeting.

B. During a declared emergency as described in VI(A) above, members may participate in a meeting by any means of communication provided that:

- (1) A quorum or more of the members participate in the meeting including both the members attending in person and those attending by electronic means, and,
- (2) The public may simultaneously attend and observe the meeting, unless the meeting is an executive session; and,
- (3) The minutes or memoranda of the meeting comply with Section IV of this resolution.

C. All votes taken during a meeting under the emergency declaration rules set forth in this Section VI, and during which at least one member participates by an electronic means must be taken by roll call vote.

SECTION VII

This Resolution shall take effect upon adoption.

Adopted by the Board of Commissioners of Starke County Indiana, and approved on this ____ day of September 2021, by the following vote:

Board of Commissioners of Starke County, Indiana

VOTE

yes



Charles Chesak, President

YES



Bryan Cavender, Vice President

YES



Mark Gourley, Commissioner

ATTEST:

A handwritten signature in black ink, appearing to read 'Rachel Oesterreich', is written over a horizontal line.

Rachel Oesterreich, Auditor
Of Starke County Indiana