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**STARKE COUNTY PLANNING COMMISSION  
53 EAST MOUND STREET  
KNOX, IN. 46534  
574-772-9133**

**2025001111**  
MANDY THOMASON, RECORDER  
STARKE COUNTY, KNOX, IN  
RECORDED AS PRESENTED  
04/22/2025 08:00 AM  
0.00

**AN ORDINANCE ESTABLISHING A POLICY BY WHICH MEMBERS OF THE  
PLANNING COMMISSION AND BOARD OF ZONING APPEALS FOR THE COUNTY  
OF STARKE MAY PARTICIPATE BY ELECTRONIC MEANS OF  
COMMUNICATION.**

Ordinance No. 12 of 2025

**Recitals**

**WHEREAS**, the Planning Commission and the Board of Zoning Appeals for Starke County, Indiana (the “**Board(s)**”), is responsible for the performance of various functions for Starke County, Indiana (the “**County**”); and

**WHEREAS**, I.C. 5-14-1.5-1 et seq. (the “**Act**”) permits and prescribes requirements by which members of the Starke County Planning Commission and Board of Zoning Appeals may participate in a meeting by any electronic means of communication, subject to certain guidelines as hereinafter set forth; and

**WHEREAS**, a member of the governing body may participate by means of communication that:

- a. Allows all participating members of the governing body to simultaneously communicate with each other; and
- b. 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 electronic means of communication, and may also adopt procedures that are more restrictive than the procedures established pursuant to I.C. 5-14-1.5-3.5(d); and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners that this Ordinance Establishing a policy by which members of the Starke County Planning Commission and Board of Zoning Appeals for the County of Starke may participate by Electronic Means of Communication, is hereby adopted as follows:

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**Article I  
Establishment**

- 1) The Recitals are incorporated herein by reference.
- 2) All provisions of the Act, including definitions, hereby apply to this Ordinance and are incorporated herein by reference. This ordinance shall apply not just to the Planning Commission and Board of Zoning Appeals, but to any elected or appointed board under the jurisdiction of the Planning Commission or Board of Zoning Appeals. Any Reference to Planning Commission Member(s) or Board of Zoning Appeals Member(s) shall also apply to any board member serving on an elected or appointed board under the jurisdiction of the Planning Commission and Board of Zoning Appeals.
- 3) Subject to sections 4 and 6 of this ordinance, any Planning Commission Member or Board of Zoning Appeals member may participate in a meeting by any electronic means of communication that: (1) allows all participating members of the Planning Commission and Board of Zoning Appeals 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.
  - a) Any member who participates by an electronic means of communication; (1) shall be considered present for purposes of attendance but not for establishing a quorum and may not participate in any final action.
  - b) All Votes taken during a meeting shall exclude any Board Member that chooses to participate by an electronic means of communication.
- 4) At any meeting a quorum must be met by Board Members physically being present at the meeting at which the Planning Commission Members or Board of Zoning Appeals Members will participate by means of electronic communication. Less than (50%) of the Board Members may participate by an electronic means of communication at the same meeting.
  - a) A Board 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:
    - i) Military service;
    - ii) Illness or other medical condition;
    - iii) Death of a relative; or
    - iv) An emergency involving actual or threatened injury to persons or property.
  - b) A "Board Member" may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A Board Member must attend in person at least one (1)

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meeting between sets of meetings that the Board Member attends by electronic communication, unless the member's absence is due to:

- i) Military service;
  - ii) Illness or other medical condition;
  - iii) Death of a relative; or
  - iv) An emergency involving actual or threatened injury to persons or property.
- 5) The Minutes of a meeting at which any Board Member participates by electronic means of communication must;
- a) Identify each member who:
    - i) Was physically present at the meeting;
    - ii) Participated in the meeting by electronic means of communication; and
    - iii) was absent; and
  - b) Identify the electronic means of communication by which:
    - i) Members participated in the meeting; and
    - ii) Members of the public attended and observed the meeting, if the meeting was not an executive session.
- 6) No Board Members may participate by means of electronic communication in a meeting at which the Board may take final action to;
- a) Adopt a budget;
  - b) Make a reduction in personnel;
  - c) Initiate an ordinance;
  - d) Impose or increase a fee;
  - e) Impose or increase a penalty.
- 7) **Emergency Declarations.**
- a) If an emergency is declared by:
    - i) The governor under I.C. 10-14-3-12; or
    - ii) The County Commissioners under I.C. 10-14-3-29;

Board Members are not required to be physically present for a meeting until the emergency is terminated.

- b) Board Members may participate in a meeting by any means of communication provided that;
  - i) At least a quorum of the Board Members participate in the meeting by means of electronic communication.
  - ii) The public may simultaneously attend and observe the meeting unless the meeting is an executive session; and

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- iii) The minutes of the meeting must comply with section 5 of this ordinance.
- c) All Votes taken during a meeting at which one (1) member participates by an electronic means of communication must be taken by roll call vote.
- 8) Meeting Compensation for Board Members.
  - a) Any Board Member that chooses to attend any meeting by means of electronic communication shall relinquish their monthly compensation for attendance of a meeting.

**Article II**

Effective Date

- 1. Effective Date. This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

**Article III**

- 1. Plan Commissions Rules Procedure.

Rules and Conditions stated in this ordinance will be set out as Rule 3.6 of the Starke County Plan Commissions Rule of Procedure.

PASSED BY THE STARKE COUNTY PLANNING COMMISSION ON APRIL 9, 2025.  
PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF STARKE COUNTY,  
INDIANA, THIS 21<sup>st</sup> DAY OF April, 2025.

**THE STARKE COUNTY, INDIANA BOARD OF COMMISSIONERS**

APPROVED:

OPPOSED:

\_\_\_\_\_  
Charles Chesak, President

\_\_\_\_\_  
Charles Chesak, President

Mike VanDeMark 4-21-2025  
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Mike VanDeMark, Commissioner

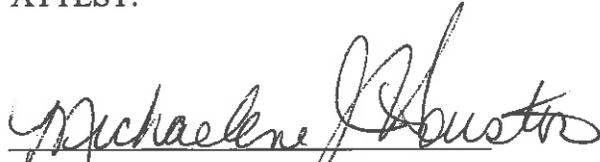
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Mike VanDeMark, Commissioner

Don Binkley 4/21/25  
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Don Binkley, Commissioner

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Don Binkley, Commissioner

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ATTEST:

  
Michaelene Houston, County Auditor

Prepared by:  
Mary Beever  
Starke County Planning Commission Administrator and;  
Floodplain Administrator

