

LAPORTE COUNTY, INDIANA BOARD
OF COMMISSIONERS
RESOLUTION NO. 2023- 01

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE BOARD OF COMMISSIONERS OF LAPORTE COUNTY MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 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 any electronic means of communication;

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

- o Allows all participating members of the governing body to simultaneously communicate with each other; and
- o Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting;

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 may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the County's Board of Commissioners is the executive governing body of LaPorte County, Indiana; now therefore be it resolved:

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 Board and applies to the Board and any committee or Advisory Board appointed directly by this Board or its presiding officer.

Section 2. (a) Subject to Section 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) 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: (i) shall be considered present for purposes of establishing a quorum; and (ii) 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.

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Section 3. (a) At least fifty (50%) of the members must be physically present at a meeting at which 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 once in a calendar year by an electronic means of communication, unless the member's 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.

Section 4. The minutes 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) 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 Board may participate by means of electronic communication in a meeting at which the board may take final action to:

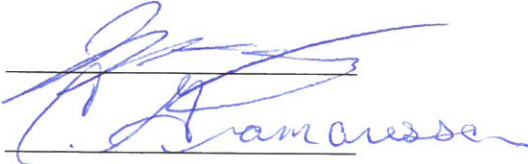
- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Board' power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. This resolution shall be effective from and after adoption by this Board.

Adopted this 4th day of January 2023

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Board Of Commissioners of La Porte County, Indiana


C. H. Hancusse

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Attest

County Auditor

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