

THE CITY OF CHARLESTOWN
REDEVELOPMENT COMMISSION

RESOLUTION NO. 2022-R-_____

**RESOLUTION OF THE CITY OF CHARLESTOWN
REDEVELOPMENT COMMISSION ESTABLISHING THE
POLICY BY WHICH ITS MEMBERS 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. (the “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 any electronic means of communication;

WHEREAS, pursuant to the Act, a member of the governing body may participate by any means of communication that (i) allows all participating members of the governing board to simultaneously communicate with each other, and (ii) 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 the governing body, at the discretion of the governing body, may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the City of Charlestown Redevelopment Commission is a governing body within the meaning of the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CHARLESTOWN
REDEVELOPMENT COMMISSION:**

Section 1. General Requirements; Limitations

- (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 City of Charlestown Redevelopment Commission (the “Commission”) and applies to the Commission and any committee appointed directly by the Commission or its presiding officer.
- (c) A member may participate in a meeting by electronic means so long as the means of communication:

- (1) allows all participating members to simultaneously communicate with each other; and
 - (2) except in the case of an executive session, allows the public to simultaneously attend and observe the meeting.
- (d) Subject to an Emergency Declaration as set forth in Section 4, at least fifty percent (50%) of the members must be physically present at meetings.
- (e) A member may not (i) attend more than fifty percent (50%) of meetings in a calendar year virtually and/or (ii) attend more than two (2) consecutive meetings virtually, unless, in each case, such virtual participation is necessitated by:
- (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 2. Meeting Minutes

The meeting minutes for meetings at which one or more members are participating virtually must state the following:

- (a) the name of each member of the board:
 - (1) physically present at the meeting;
 - (2) participating by virtual means; and
 - (3) absent from the meeting; and
- (b) the electronic means of communication:
 - (1) by which members participated; and
 - (2) if not an executive session, by which the public attended and observed the meeting.

Section 3. Quorum; Voting

- (a) A member who attends a meeting by electronic means shall be considered present for purposes of establishing a quorum.

(b) A member attending a meeting by electronic means must be both seen and heard in order to participate in any final action taken at the meeting; however, notwithstanding forgoing, no member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action (to the extent the Commission holds such power now or in the future) 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 power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

(c) All votes by the members of the governing board in a meeting in which one or more members is participating by electronic means must be taken by roll call vote.

Section 4. Emergency Declarations

If an emergency is declared (i) by the governor under IC 10-14-3-12 or (ii) by the mayor under IC 10-14-3-29 (each an “Emergency Declaration”), then:

(a) Members are not required to be physically present for a meeting until the Emergency Declaration is terminated.

(b) Members may participate in a meeting by any means of communication provided that:

(1) At least a quorum of the members participate in the meeting by means of electronic communication or in person;

(2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session;

(3) The minutes or memoranda of the meeting must comply with Section 2 of this resolution; and

(4) 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 in compliance with Section 3(c).

Section 5. Effective Date

(a) The Electronic Meetings Policy shall be effective from and after adoption of this Resolution by the Commission.

(b) A copy of the Electronic Meetings Policy shall be posted for public viewing on the internet website of the Commission.

ADOPTED BY THE CITY OF CHARLESTOWN REDEVELOPMENT COMMISSION this ____ day of _____, 2022.

Donna Ennis, President

ATTEST:

B.J. Steele, Secretary