

RESOLUTION NO.2024-06

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE CASS COUNTY COUNCIL OF CASS COUNTY, INDIANA 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:

- Allows all participating members of the governing body to simultaneously communicate with each other; and
- 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

NOW, THEREFORE, BE IT RESOLVED BY THE CASS COUNTY COUNCIL:

- Section 1. (a) the provisions of the Act, including definition, apply to this resolution.
- (b) this resolution shall be known as the "Electronic Meeting Policy" of the Cass County Council of Cass County, Indiana and applies to the Cass County Council.
- 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 the purpose of establishing a quorum; and 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 participation by an electronic means of communication must be taken by roll call vote

Section 3. (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.

- (b) A member may not attend more than a fifty (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 not attend two (2) consecutive 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) A member who participates by electronic communication must notify the President or presiding officer at least twenty-four (24) business hours prior to the meeting at which the member will participate by electronic communication.

Section 4. 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) Was absent, and
- (2) Identify the electronic means of communication by which:

- (A) Members participate 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 Cass County Council may participate by means of electronic communication in a meeting at which the Cass County Council may take final action to;

- (1) Make a reduction in personnel;
- (2) Initiate a referendum;
- (3) Impose or increase a fee;
- (4) Impose or increase a penalty;
- (5) Exercise the Cass County Council's power of eminent domain; or
- (6) Establish, impose, raise, or renew a tax.

Section 6. (a) if an emergency is declared by:

- (1) The governor under IC 10 Cass County Council of Cass County under IC 10-14-3-29; members are not required to be physically present for a meeting until emergency 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 4 of this resolution

(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 7. This resolution shall be effective from and after adoption by Cass County Council and completion of any other legal requirements all in the manner as provided by law

Filed and approved on the first reading by a vote of 7 in favor and 0 opposed and on the 21st day of June 2024.

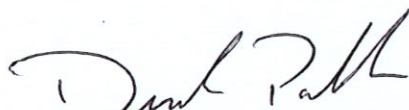
~~_____ duly passed and ordained and adopted this _____ day of _____, 2024 by the County Council of the County of Cass, State of Indiana by a vote of _____ in favor and _____ opposed.~~

RESOLVED AND ADOPTED by the Cass County Council, this 21st day of June 2024 in lawful session duly assembled.


CASS COUNTY COUNCIL:



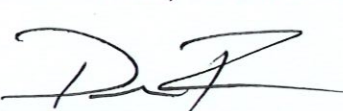
David Redweik, President




Derek Pullen, Vice President




Traey Williamson



Damon Foreman



Shawn Shoemaker

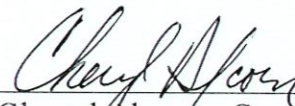


Dean Davenport



Bruce Ide

Attest:



Cheryl Alcorn, County Auditor