

BEFORE THE WABASH COUNTY COUNCIL

RESOLUTION NO. 2021-85-12

**A RESOLUTION ESTABLISHING THE POLICY FOR MEETING PARTICIPATION
BY ELECTRONIC MEANS OF COMMUNICATION**

Pursuant to P.L. 88-2021 (HEA 1437), effective April 20, 2021, I.C. 5-14-1.5-3.5 was amended 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;

Pursuant to I.C. 5-14-1.5-3.5, as amended, the governing body is required 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

The Wabash County Council ("Council"), as a governing body of a public agency of a political subdivision, desires to allow its members to participate in a meeting by any electronic means of communication.

IT IS THEREFORE RESOLVED:

- Section 1. (a) The provisions of I.C. 5-14-1.5, including definitions, apply to this Resolution.
- (b) This Resolution shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any committee appointed directly by the Council or its presiding officer.
- Section 2. (a) Subject to Sections 3 and 5 herein, 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) allows the public to simultaneously attend and observe the meeting, except for meetings held in executive session.
- (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 (1) member participates 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. 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 a 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 ("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 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 Council may participate by means of electronic communication in a meeting at which the Council 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 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 Council and compliance with I.C. 36-2-4-8.


Adopted this 19 day of July, 2021.

WABASH COUNTY COUNCIL




Kyle Bowman

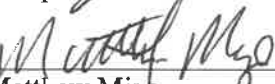
Sam Hann



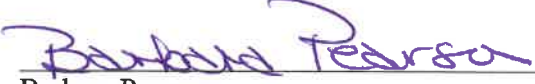
Philip Dale



Matt Dillon



Matthew Mize




Barbara Pearson



Lorissa Sweet

ATTEST:



Marcie Shepherd, Wabash County Auditor