

ORDINANCE NO.1830

AN ORDINANCE ESTABLISHING THE POLICY BY WHICH MEMBERS OF
BOARDS AND COMMISSIONS OF THE TOWN OF MUNSTER MAY
PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended I.C. §5-14-1.5-1, et. seq. (Act), effective April 20, 2021 by amending I.C. §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 I.C. §5-14-1.5-3.5(d); and

WHEREAS, the Munster Town Council (hereinafter "Council") is the governing body of the Town of Munster, Indiana; and

WHEREAS, the written policy adopted herein shall apply to all boards and commissions appointed by, and under the jurisdiction of, the Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1.

(a) The provisions of the Act, including definitions, apply to this Ordinance.

(b) This Ordinance shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any committee appointed directly by this Council or its presiding officer.

SECTION 2.

(a) Subject to Sections 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.

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 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 (a 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 or memoranda of a meeting at which any member participates by electronic means of communication must:

- (a) identify each member who:
 - (1) was physically present at the meeting;
 - (2) participated in the meeting by electronic means of communication;
and
 - (3) was absent; and
- (b) identify the electronic means of communication by which:
 - (1) members participated in the meeting; and
 - (2) 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:

- (a) adopt a budget;
- (b) make a reduction in personnel;
- (c) initiate a referendum;
- (d) impose or increase a fee;
- (e) impose or increase a penalty;
- (f) exercise the Council's power of eminent domain; or
- (g) establish, impose, raise or renew a tax.

SECTION 6.

- (a) If an emergency is declared by:
 - (1) the governor under I.C. §10-14-3-12; or
 - (2) the Town Council president under I.C. §10-14-3-29;

members are not required to be physically present for a meeting until the 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 Ordinance.

(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 Ordinance shall be effective from and after adoption by this Council and compliance with I.C. §36-5-2-10.

ORDAINED and **ADOPTED** this _____ date of _____, 2021, by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF
MUNSTER, LAKE COUNTY, INDIANA**

Dr. Andy Koultourides, President

ATTEST:

Wendy Mis, Clerk-Treasurer