



**STATE OF INDIANA
BEFORE THE KOSCIUSKO COUNTY COUNCIL**

RESOLUTION NO. 23-12-14-003

ELECTRONIC MEETINGS POLICY

**A RESOLUTION AMENDING AND RESTATING THE POLICY BY WHICH MEMBERS OF THE COUNTY
COUNCIL 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);

WHEREAS, the County Council (Council) is a governing body of Kosciusko County, Indiana; and,

WHEREAS, this Electronic Meetings Policy shall amend, supersede, and replace in full the Electronic Meetings Policy previously adopted by the Council in 2021:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF KOSCIUSKO COUNTY, INDIANA:

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 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 a thirty-five percent (35%) 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 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 conducts budget hearings or a budget workshop or 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 Council's power of eminent domain; or
- (7) establish, impose, raise, reduce, or renew a tax.

Section 6. This resolution shall be effective from and after adoption by this Council and compliance with IC 36-2-4-8.

[Signature Page Follows]

So passed and adopted by the County Council of Kosciusko County, Indiana, this 14th day of December, 2023.

ATTEST:

Rhonda Helser
Rhonda Helser, Auditor

I affirm, under the penalties for perjury,
that I have taken reasonable care to redact
each Social Security number in this
document, unless required by law.

Angela N. Arnett

COUNTY COUNCIL
KOSCIUSKO COUNTY, INDIANA

[Signature]
Mike Long, President

Kimberly Cates
Kim Cates, Member

[Signature]
Tony Ciriello, Member

Kathy Groninger
Kathy Groninger, Member

Sue Ann Mitchell
Sue Ann Mitchell, Member

Joni Truex
Joni Truex, Member

Dave Wolkins
Dave Wolkins, Member