

**RESOLUTION 21-12-09-001**

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE  
KOSCIUSKO COUNTY REDEVELOPMENT COMMISSION MAY PARTICIPATE BY  
ELECTRONIC MEANS OF COMMUNICATION A/K/A ELECTRONIC MEETING POLICY**

**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 I 5-14-1.5-3.5(d); and

**WHEREAS**, the Redevelopment Commission is the governing body of Kosciusko County, Indiana Redevelopment Commission (RDC):

**NOW, THEREFORE, BE IT RESOLVED** by the Kosciusko County, Indiana Redevelopment Commission:

**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 RDC and applies to the RDC and any committee appointed directly by the RDC 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 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 so it is known what votes were cast by each member.

**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 (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:

- (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 RDC may participate by means of electronic communication in a meeting at which the RDC 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.** (a) If an emergency is declared by: (This section applies only in the event of an emergency)

- (1) the governor under IC 10-14-3-12; or
- (2) the mayor under IC 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 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 so it is known what votes were cast by each member.

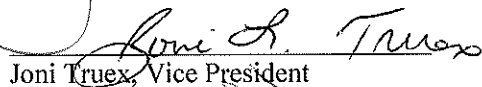
**Section 7.** The RDC hereby adopts the following rules of procedure which shall apply when any member participates in a public meeting by any electronic means of communication:

(a) Any member intending to participate in the meeting electronically shall contact the presiding officer of the body on or before 4pm (local time) on the Friday preceding the meeting and request (said requests shall be considered in order of time received) permission to participate electronically; such permission shall not be denied unless said electronic participation would cause a violation of any other provision of this Resolution.

(b) During an electronic meeting, all votes shall be by roll call so the identity and vote of each member is documented.

**ADOPTED and APPROVED** at a meeting of the Kosciusko County Redevelopment Commission held on December 9, 2021.

  
\_\_\_\_\_  
Jan Orban, President

  
\_\_\_\_\_  
Joni Truex, Vice President

  
\_\_\_\_\_  
Doug Hanes, Secretary

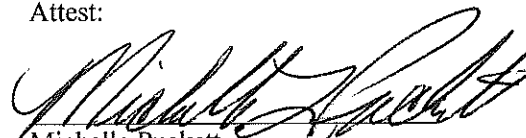
Absent  
\_\_\_\_\_  
Adam Turner, Member

Absent  
\_\_\_\_\_  
Mike Metzger, Member

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.

Leena Pence

Attest:

  
\_\_\_\_\_  
Michelle Puckett,  
Kosciusko County Auditor