

TOWN OF ZIONSVILLE, INDIANA

TOWN COUNCIL

RESOLUTION NO. 16

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE
TOWN COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS OF
COMMUNICATION**

WHEREAS, Ind. Code § 5-14-1.5-3.5 (the “Act”) prescribes the 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: (i) allows all participating members of the governing body to simultaneously communicate with each other and (ii) 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 Ind. Code §5-14-1.5-3.5(d); and

WHEREAS, the Town Council believes that to foster member participation and to ensure public transparency that the participation of members of the Town Council by electronic meeting shall only be used in limited circumstances – including, but not limited to, a public emergency; and

WHEREAS, the Town Council (the “Council”) is the governing body of the Town of Zionsville, Indiana:

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town Of Zionsville, Boone 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) If, in his or her sole and absolute discretion, the President of the Council authorizes a member to participate in a meeting by electronic means of communication then, subject to Sections 3 and 5, any member so authorized may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the Council 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 (1) member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least four (4) members must be physically present at a meeting at which any member participates 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 who plans to participate by an electronic means of communication at a meeting must provide written notice of such intent to the President of the Council (the “President”) and the Municipal Relations Coordinator of the Town (the “Municipal Relations Coordinator”) at least seven (7) days prior to the date of the meeting. Exceptions to this notice requirement may be granted at the discretion of the President.

(c) If more than three (3) members intend to participate by an electronic means of communication at the same meeting, the first three (3) members to provide notice of such intent may attend the meeting by an electronic means of communication (unless such members otherwise agree).

(d) 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 one of the following as recorded in an attestation provided by the member to the Municipal Relations Coordinator:

- (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.

(e) 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 one of the following as recorded in an attestation provided by the member to the Municipal Relations Coordinator:

- (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) participates 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 is attempting to take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) establish or increase a fee;
- (5) establish or increase a penalty;
- (6) exercise the Council's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. A technological failure in an electronic means of communication that disrupts or prevents members not physically present or members of the public not physically present from attending and observing the meeting, does not affect the validity of an action taken by the Council at such meeting if the members physically present and the members participating by electronic communication without technological failure satisfy voting requirements of the Council (*i.e.*, majority vote).

Section 7. The Municipal Relations Coordinator of the Town shall maintain a chart that lists each meeting of the calendar year and identifies which members participated by an electronic means of communication, if any, which members were physically present and which members were absent.

Section 8. (a) If an emergency is declared by:

- (1) the governor under Ind. Code § 10-14-3-12; or
- (2) the Mayor of the Town of Zionsville under Ind. Code § 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.

Section 9. This resolution shall be effective from and after adoption by this Council and compliance with Ind. Code § 36-5-2-10.

DULY PASSED AND ADOPTED this 7th day of September, 2021 by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Josh Garrett, President		
Jason Plunkett, Vice-President		
Brad Burk, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Bryan Taylor, Member		

I hereby certify that the foregoing Resolution was delivered to Town of Zionsville Mayor Emily Styron on the _____ day of _____ 2021, at _____ . m.

ATTEST: _____
Amelia Anne Lacy,
Municipal Relations Coordinator

MAYORS APPROVAL

Emily Styron, Mayor

Date

MAYORS VETO

Emily Styron, Mayor

Date