

RESOLUTION 2023-06

A RESOLUTION ESTABLISHING POLICY BY WHICH MEMBERS OF THE MORGANTOWN, INDIANA TOWN COUNCIL MAY PARTICIPATE IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, Indiana Code Section 5-14-1.5-3.5, effective July 1, 2021 prescribes new requirements by which members of the governing body of an Indiana public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, pursuant to Indiana Code Section 5-14-1.5-3.5(b), a member of a 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 an executive session, allows the public to simultaneously attend and observe the meeting;

WHEREAS, pursuant to Indiana Code Section 5-14-1.5-3.5(d) the governing body shall 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 Indiana Code Section 5-14-1.5-3.5;

WHEREAS, the Morgantown Town Council (the "Council"), as the governing body of the Town of Morgantown, Indiana, has decided to allow its members to participate in Council meetings by electronic means:

ACCORDINGLY, BE IT RESOLVED BY THE MORGANTOWN, INDIANA TOWN COUNCIL as follows:

Section 1. (a) The provisions of 5-14-1.5-3.5 apply to this resolution.

(b) This resolution and the policies and rules adopted herein shall apply to the Council and any committee appointed directly by the Council or its presiding officer.

Section 2. (a) Subject to Sections 3 and 5 of this Resolution, any member of the Council 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 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 of the Council must be physically present at all meetings at which any member participates by means of electronic communication. Not more than fifty percent (50%) of the members of the Council may participate by an electronic means of communication at the 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:

- (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) any members participated in the meeting; and
 - (2) any 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 Council's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. (a) If an emergency is declared by:

(1) the governor under IC 10-14-3-12; or

(2) the Council president 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 of communication or in person.

(2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.

(c) The minutes or memoranda of the meeting must comply with Section 4 of this resolution.

(d) 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 resolution shall be effective from and after adoption.

Adopted this 27th day of July, 2023.



Courtney Allen, President
Morgantown Town Council

ATTEST:



Sharon McIntosh
Morgantown Clerk Treasurer