

ORDINANCE - 886

AN ORDINANCE OF THE TOWN OF OGDEN DUNES ADOPTING A POLICY FOR ELECTRONIC PARTICIPATION IN PUBLIC MEETINGS

WHEREAS, Indiana Code 5-14-1.5-3.5 permits the members of governing bodies of public agencies to participate in meetings through electronic means with certain conditions upon the adoption of a policy permitting such electronic participation; and

WHEREAS, the Ogden Dunes Town Council believes that adopting such a policy is in the best interests of the Town.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED, by the Town Council of the Town of Ogden Dunes, Porter County, Indiana as follows:

SECTION 1: The Policy attached to this Ordinance as Exhibit "A," entitled "Town of Ogden Dunes Electronic Participation Policy for Public Meetings," is adopted by the Ogden Dunes Town Council.

SECTION 2: The Policy shall be applicable for all boards and commissions appointed by the Town Council of the Town of Ogden Dunes.

SECTION 3: This Ordinance shall be in full force and effect upon its passage and adoption as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Ogden Dunes Town Council this 28 day of February, 2022.

OGDEN DUNES TOWN COUNCIL

ATTEST



Mimi Ramos, Clerk-Treasurer

EXHIBIT "A"

TOWN OF OGDEN DUNES ELECTRONIC PARTICIPATION POLICY FOR PUBLIC MEETINGS

1. **Minimum number physically present:** Except in cases of disaster or emergency, at least fifty percent (50%) of Board members must be physically present at a meeting.
2. **Simultaneous communication required to participate:** Board members who participate in a meeting by electronic communication must use an electronic means of communication that allows all participating Board members to simultaneously communicate with one another.
3. **Video and audio required to vote:** A Board member participating by electronic communication shall not vote on any item during a meeting unless that member is using an electronic means of communication that is displaying video of the member in addition to transmitting audio.
4. **Public broadcast:** If any Board member is participating by electronic communication during any meeting open to the public and not in executive session, the meeting shall be broadcast by electronic means to allow the public to attend and observe the meeting without being physically present.
5. **Roll call vote required:** If any Board member is participating by electronic communication during any meeting open to the public and not in executive session, and eligible to vote under Section 3 of this policy, all action shall be decided by roll call vote.
6. **Annual limit:** A Board member may not attend more than half of the Board's meetings in a calendar year by electronic means of communication, except for the circumstances set out in Section 9 below.
7. **Consecutive limit:** A Board member may not attend more than two (2) consecutive meetings by electronic means of communication, except for the circumstances set out in Section 9 below.
8. **Physical attendance requirement:** If a Board member attends two (2) consecutive meetings by electronic means of communication, that member must physically attend at least one (1) meeting before attending another meeting by electronic means, except for the circumstances set out in Section 9 below.
9. **Exceptions:** The limits of attendance by electronic means of communication set for in Sections 6, 7, and 8, shall not apply in the follow situations:
 - a. Military service of the Board member;
 - b. Illness or other medical condition of the Board member;
 - c. Death of a relative of the Board member; or
 - d. Emergency involving actual or threatened injury to persons/property.
10. **Meeting minutes:** If any Board member is member is participating by electronic communication during any meeting, the minutes shall include the following:
 - a. Statement of the names of each Board member who was physically present;

- b. Statement of the names of each Board member who participated by electronic means, and identify the electronic means used by the Board member;
- c. Statement of the names of any Board member who was absent; and
- d. Identify the electronic means of communication by which the public was able to attend and observe the meeting.

11. No electronic participation permitted: A Board member may not participate by electronic means in any meeting involving final action on any of the following:

- a. Budget adoption;
- b. Reducing personnel;
- c. Initiating a referendum;
- d. Establishing or increasing a fee;
- e. Establishing or increasing a penalty;
- f. Using eminent domain authority; or
- g. Establishing, raising, or renewing a tax.

12. Emergency exceptions: In the event an emergency is declared by the Governor of Indiana under Ind. Code § 10-14-3-12, or a local disaster emergency is declared by the Board Chairman, to the extent authorized under Ind. Code § 10-14-3-29, Board members are permitted to participate in a meeting by electronic means of communication without restriction on the number of members participating, annual limit, or consecutive limit. Electronic participation during an emergency is subject to the following requirements:

- a. At least a quorum of Board members must participate in the meeting by electronic means of communication or in person.
- b. The public must be able to simultaneously attend and observe the meeting, except for executive sessions.
- c. The minutes or memoranda of the meeting must:
 - i. State the names of each Board member who participated by electronic means, and identify the electronic means used by the Board member;
 - ii. State the names of any Board member who was absent; and
 - iii. Identify the electronic means of communication by which the public was able to attend and observe the meeting.
- d. All votes in a meeting where a Board member participate by electronic means of communication must be done by roll call vote.