

**TOWN OF WHITESTOWN, INDIANA
RESOLUTION NO. 2021-23**

**A RESOLUTION CONCERNING PARTICIPATION IN
MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION**

WHEREAS, the Town Council (“Town Council”) of the Town of Whitestown, Indiana (“Town”) is the governing body for the Town; and

WHEREAS, the Indiana General Assembly recently amended Indiana Code § 5-14-1.5-3.5 (“Act”) to allow members of governing bodies of a political subdivision to attend meetings by electronic means of communication as set forth in the Act; and

WHEREAS, the Town Council, in accordance with the Act, desires to adopt a written policy establishing the procedures that apply to a member’s participation in a meeting by an electronic means of communication.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Whitestown, Indiana as follows:

1. When an electronic means of communication is available as determined by the presiding officer, a member of the Town Council may participate in a meeting of the Town Council by an electronic means of communication where permitted by and in accordance with the Act, or where permitted by other applicable laws or executive orders.
2. When used during a meeting of the Town Council for participation of any of its members and subject to applicable law, the electronic means of communications shall (i) allow all participating members of the Town Council to simultaneously communicate with each other, and (ii) other than an executive session, allow the public to simultaneously attend and observe the meeting.
3. A Town Council member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum, but may participate in any final action taken at the meeting only if the member can be seen and heard.
4. All votes taken when at least one member is participating by electronic means of communication shall be taken by roll call vote.
5. The minutes of a Town Council meeting at which any member participates by electronic means of communication shall identify whether members were physically present, participated by electronic means, or absent. The minutes shall also indicate the electronic means by which the member participated, and by which the public attended and observed the meeting if the meeting was not held in executive session.
6. At least 50% of the members must be physically present at a meeting of the Town Council for the Town Council to take official action.

7. A member may not attend more than 50% of the meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

- a. Military service;
- b. Illness or other medical condition;
- c. Death of a relative; or
- d. An emergency involving actual or threatened injury to persons or property.

8. A member may not participate in a meeting by electronic communication if the Town Council is attempting to take final action to:

- a. Adopt a budget;
- b. Make a reduction in personnel;
- c. Initiate a referendum;
- d. Establish or increase a fee;
- e. Establish or increase a penalty;
- f. Use the Town Council's eminent domain authority; or
- g. Establish, raise, or renew a tax.

9. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- a. Military service;
- b. Illness or other medical condition;
- c. Death of a relative; or
- d. An emergency involving actual or threatened injury to persons or property.

10. If an emergency is declared by (i) the governor under Ind. Code § 10-14-3-12, or (ii) by an applicable executive order under Ind. Code § 10-14-3-29, members are not required to be physically present for a meeting until the emergency is terminated.

11. For purposes of this resolution, the Clerk-Treasurer is not considered a member of the Town Council. The Clerk-Treasurer may participate remotely when an electronic means of communication is available as determined by the presiding officer, but except for an emergency declared under Ind. Code § 10-14-3-12 or Ind. Code § 10-14-3-29, the Clerk-Treasurer is not considered present for purposes of acting as an ex officio member of the Town Council under Ind. Code § 36-5-2-8 unless physically present at the meeting.

12. The boards and commissions of the Town are authorized to implement the same policies for participation of their members in meetings by means of electronic communication as are set forth in this Resolution.

13. This Resolution shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the Whitestown, Indiana Town Council this 9th day of June, 2021, by a vote of 4 in favor and 0 against.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

DocuSigned by:

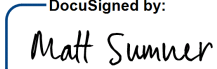


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Clinton Bohm, President

ATTEST:

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Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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