

RESOLUTION NO.2023- 09

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE BOARD OF COMMISSIONERS OF CASS COUNTY, INDIANA MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

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 IC 5-14-1.5-3.5(d); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS CASS COUNTY, INDIANA:

- Section 1. (a) the provisions of the Act, including definition, apply to this resolution.
- (b) this resolution shall be known as the "Electronic Meeting Policy" of the Board of Commissioners of Cass County, Indiana (Board of Commissioners) and applies to the Board of Commissioners
- Section 2. (a) subject to section 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 the purpose 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 participation by an electronic means of communication must be taken by roll call vote

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.

- (b) A member may not attend more than a fifty (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 not attend two (2) consecutive 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.

- (d) A member who participates by electronic communication must notify the President or presiding officer at least twenty-four (24) business hours prior to the meeting at which the member will participate by electronic communication.

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:

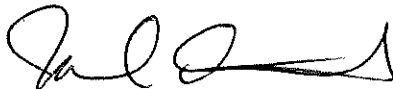
DULY ADOPTED by the Board of Commissioners of Cass County at a regularly scheduled public meeting held on this, the 18th day of December, 2023.



RUTH BAKER, President




MICHAEL STAJDUHAR



MICHAEL DEITRICH

Attest:



Cheryl Mcorn, Auditor