

BOARD OF COMMISSIONERS
HOBART SANITARY AND STORMWATER DISTRICT
RESOLUTION NO. 2021-04

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE
BOARD OF COMMISSIONERS 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 I 5-14-1.5-3.5(d); and

WHEREAS, the Board of Commissioners (Board) is the governing body of the Hobart Sanitary and Stormwater District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOBART SANITARY AND STORMWATER DISTRICT THAT:

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 Board and applies to the Board and any committee appointed directly by the Board or its presiding officer.

Section 2. (a) Subject to Sections 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 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%) (3) of the members must be physically present at a meeting at which at least (1) member will participate by means of electronic communication.

(b) A member may not attend more than 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:

(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:

- (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 Board may participate by means of electronic communication in a meeting at which the Board may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) impose or increase a fee;
- (4) impose or increase a penalty;
- (5) exercise the Board's power of eminent domain; or
- (6) 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 mayor 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 in person.

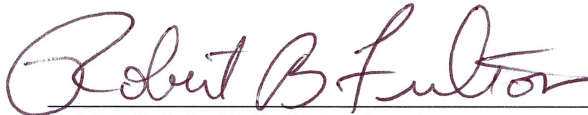
(2) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.

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

(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 by this Board.

ALL OF WHICH is ADOPTED AND APPROVED by the Board of Commissioners of the Hobart Sanitary District on this 8 day of June, 2021



ROBERT B. FULTON, President

ATTEST:



PHIL E. GRALIK, P.E., Secretary