

# Ordinance 2021-01

## **AN ORDINANCE OF FLOYD COUNTY ESTABLISHING THE POLICY BY WHICH THE MEMBERS OF THE COUNTY COUNCIL MAY PARTICIPATE BY ELECTRONIC MEANS**

**WHEREAS**, during the COVID-19 public health emergency, public bodies became more accustomed to meeting and participating in public meetings by electronic means; and

**WHEREAS**, the Indiana General Assembly recently amended Indiana Code § 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; and

**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 meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by Ind. Code § 5-14-1.5-3.5(d); and

**WHEREAS**, the County Council is the fiscal body of Floyd County, Indiana.

**NOW THEREFORE, BE IT ORDAINED** by the County Council of Floyd County, Indiana, that:

### **Section 1.**

#### **(A) General**

- (1) The provisions of the Indiana Access to Public Records Act, including definitions, apply to this Ordinance.
- (2) This Electronic Meetings Policy applies to the County Council and any committee appointed directly by the Council or its presiding officer.
- (3) Subject to Section (B) below, 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.

- (4) 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.
- (5) 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.

(B) Restrictions

- (1) 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. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.
- (2) 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:
  - (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.
- (3) 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:
  - (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.
- (4) No member of the Council may participate by means of electronic communication in a meeting at which the Council may take final action to:
  - (a) adopt a budget;
  - (b) make a reduction in personnel;
  - (c) initiate a referendum;
  - (d) impose or increase a fee;
  - (e) impose or increase a penalty;
  - (f) establish, impose, raise, or renew a tax.

(C) Minutes

- (1) The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:
  - (a) identify each member who:
    - (i) was physically present at the meeting;
    - (ii) participated in the meeting by electronic means of communication; and
    - (iii) was absent; and
  - (b) identify the electronic means of communication by which:
    - (i) members participated in the meeting; and
    - (ii) members of the public attended and observed the meeting if the meeting was not an executive session.

(D) Public Emergency Declaration

- (1) If an emergency is declared by the governor under Ind. Code § 10-14-3-12 or by local authorities pursuant to their legal authority, members are not required to be physically present for a meeting until that emergency is terminated.
- (2) Members may participate in a meeting by any means of communication provided that:
  - (a) At least a quorum of the members participate in the meeting by means of electronic communication or in person.
  - (b) 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 (C) of this ordinance.
  - (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 2.**

All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 3.**

This Ordinance shall be in full force and effect from and after its passage by the County Council and its approval by the Mayor of the City of Muncie, Indiana, and such publication as may be required by law.

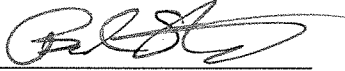
PASSED AND ADOPTED by the Floyd County Council, this 22<sup>nd</sup> day of June, 2021.

**FLOYD COUNTY COUNCIL**

“AYES”

“NAYS”

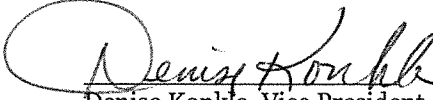
“ABSTAIN”



Brad Striegel, President

Brad Striegel, President

Brad Striegel, President



Denise Konkle, Vice President

Denise Konkle, Vice President

Denise Konkle, Vice President

Tom Pickett, Member

Tom Pickett, Member

Tom Pickett, Member

Adam Roberts, Member



Adam Roberts, Member

Adam Roberts, Member

Danny Short, Member



Danny Short, Member

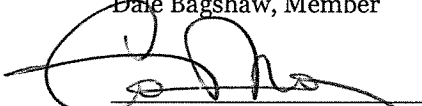
Danny Short, Member



Dale Bagshaw, Member

Dale Bagshaw, Member

Dale Bagshaw, Member

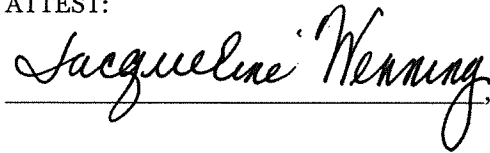


Connie Moon, Member

Connie Moon, Member

Connie Moon, Member

ATTEST:

  
\_\_\_\_\_, Auditor