

Draft ERB Policy on Electronic Participation in ERB Meetings

In accordance with IC 5-14-1.5-3.6, the Environmental Rules Board (ERB) established under IC 13-13-8, may allow board members to participate in ERB meetings by electronic means. This policy, effective upon approval by the ERB, establishes the requirements for participation in ERB meetings by electronic means.

1. There must be at least six (6) ERB members physically present at the place where the meeting is conducted.
2. Each board member is required to physically attend at least one (1) meeting of the ERB annually.
3. A board member who is not physically present at an ERB meeting may participate in the meeting by electronic communication only if the member uses a means of communication that permits simultaneous communication during the meeting between:
 - (A) the member;
 - (B) all other members participating in the meeting;
 - (C) all members of the public physically present at the place where the meeting is conducted; and
 - (D) all members of the public participating electronically in the meeting.
4. Remote participation may be accomplished by using an internet connection with audio and, if feasible, video or by a telephone connection.
5. Any voting member who participates in a meeting by electronic communication:
 - (1) is considered to be present at the meeting;
 - (2) shall be counted for purposes of establishing a quorum; and
 - (3) may vote at the meeting.
6. All votes of the ERB during the electronic meeting must be taken by roll call vote.
7. Members of the public may attend an ERB meeting at the place where the meeting is conducted and a minimum of six board members is physically present.
8. Except under an Executive Order of the Governor, the ERB may not conduct meetings using a means of electronic communication until the ERB adopts this policy by a simple majority of a valid quorum at a meeting that meets the requirements of IC 5-14-1.5, also known as Indiana's "Open Door Law".
9. This policy must be adopted by the Environmental Rules Board and posted on the IDEM web site at: [\(link\)](#).

Options allowed under IC 5-14-1.5-3.6:

- a. Require a member to request authorization to participate in a meeting of the governing body by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.
- b. Limit the number of members who may participate in any one (1) meeting by electronic communication.
- c. Limit the number of meetings in a calendar year in which any one (1) member of the governing body may participate by electronic communication.
- d. Require at least a quorum of members to be physically present at the location where the meeting is conducted.
- e. Provide that a member participating by electronic communication may vote on official action only if a specified number of members:
 - (A) are physically present at the location where the meeting is conducted; and
 - (B) concur in the official action.