

**NATIVE AMERICAN INDIAN AFFAIRS
COMMISSION**

**ELECTRONIC MEANS PARTICIPATION
POLICY**

*Posted on the Commission webpage and copies available from main
office*

Pursuant to Ind. Code § 5-14-1.5-3.6, the Native American Indian Affairs Commission (“Commission”) adopts the following Policy regarding electronic participation by Commission members during a Commission meeting. This Policy was adopted by the Commission and was effective on [month] [date], 2020.

I. Recitals: Policy Considerations

This Policy is promulgated, and shall be interpreted to:

- A. Balance ease of Commission member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance;
- B. Follow Ind. Code § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of the Open Door Law; and
- C. Encourage Commissioner members to physically attend meetings whenever possible.

II. Policy Provisions

- A. Pursuant to IC 5-14-1.5-3.6, at least one-third (1/3) of the Commission members must be physically present at the designated meeting site for the Commission meeting. As the Commission includes a total of nineteen (19) members, this means that at least seven (7) members must be physically present, while the remaining members may participate electronically. **Note: nine (9) members must be present, and the affirmative votes of at least eight (8) members shall be required for all “final actions” of the Commission.**
- B. The Commission’s Executive Director is responsible for supervising and coordinating all electronic participation by Commission members.
- C. A Commission member is required to obtain prior authorization to participate via electronic means pursuant to this Policy. Absent exceptional circumstances,¹ no later than three (3) days in advance of the Commission meeting, a Commission member must submit an email request to participate via electronic means to the Executive Director. All requests must be approved by the Executive Director before a requesting Commission member may participate via electronic means pursuant to this Policy.
- D. A Commission member participating via electronic means pursuant to this Policy shall do so through a designated conference call system that is capable of being recorded by members of the public present at the designated meeting site.

¹ Exceptional circumstances may include, but are not limited to, severe weather, illness, or a death in the family.

E. A Commission member participating via electronic means pursuant to this Policy is not required to do so in a setting that is open to the public.

F. A Commission member not physically present at a meeting may participate in the meeting by any electronic means of communication, so long as the electronic communication permits:

- The member;
- All other members participating in the meetings; and
- All members of the public physically present at the place where the meeting is conducted;

To simultaneously communicate with each other.

A. Commission members are encouraged to physically attend meetings. Absent exceptional circumstances, each Commission member is limited to electronically attending no more than two (2) meetings per year.

B. Pursuant to IC 5-14-1.5-3.6, each member of the Commission is required to physically attend at least one (1) meeting annually.

C. Absent exceptional circumstances, a newly appointed Commission member is precluded from attending via electronic means pursuant to this Policy until such member physically attends a meeting.

D. For meetings of committees created by the Commission, at least two (2) committee members must physically attend in a public meeting space to enable members of the public who are physically present to view the committee proceedings. There is no limitation on the number of committee meetings that Commission members may attend electronically.

E. A Committee member participating via electronic means pursuant to this Policy is considered present at the meeting, is counted for quorum purposes, and may vote at the meeting on any matter. A Commission member participating via electronic means may cast the deciding vote on any matter properly before the Commission and, when possible, shall fully participate in the meeting.

F. Where at least one (1) Commission member is participating via electronic means pursuant to this Policy, all votes shall be taken by roll call.

G. This Policy does not create a right for the public to observe and record an executive session of the Commission conducted pursuant to Ind. Code § 5-14-1.5-6.1, or any other applicable law.

Effective Date: This Policy will be effective immediately upon approval by the Commission.

Approval: This Policy was approved by a vote of the Commission members present at the meeting held on _____.

Chairperson

Date

