

Northwest Indiana Regional Development Authority

RESOLUTION NO. 26-02

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE NORTHWEST INDIANA
REGIONAL DEVELOPMENT AUTHORITY ("RDA") 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 September 2, 2026 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

WHEREAS, the Board of Directors is the governing body of the RDA:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE RDA:

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

Section 2. (a) Subject to Sections 3 and 5, any board member may participate in a meeting by any electronic means of communication that: (i) allows all participating board 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 board member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the board member can be seen and heard.

(c) All votes taken during a meeting at which at least one board member participates by an electronic means of communication must be taken by roll call vote.

Section 3. (a) At least fifty percent (50%) of the board members must be physically present at a meeting at which a board member will participate by means of electronic communication. Not more than fifty

percent (50%) of the board members may participate by an electronic means of communication at that same meeting.

(b) A board member may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the board 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 board member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A board member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the board 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 board member participates by electronic means of communication must:

- (1) identify each board 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) board 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 board member may participate by means of electronic communication in a meeting at which the Board of Directors may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Board's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

Section 6. (a) If an emergency is declared by the governor under IC 10-14-3-12 board members are not required to be physically present for a meeting until the emergency is terminated.

(b) Board members may participate in a meeting by any means of communication provided that:

(1) At least a quorum of the board members participate in the meeting by means of electronic communication or 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 board 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 the Board of Directors and compliance with IC 36-5-2-10.

Adopted this 2 day of September 2026.

Chair Donald E. Fisher

Vice Chair Mike Reed

Don Johnson

David H. ...

Alvin Fickett

John ...

ATTEST:

Secretary-Treasurer

[Signature]