

**RESOLUTION OF THE DEVELOPMENT BOARD OF THE  
ACCELERATE RURAL INDIANA REGIONAL DEVELOPMENT AUTHORITY  
RESOLUTION DATED APRIL 14<sup>TH</sup>, 2023  
RESOLUTION # 2023-02**

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

WHEREAS, the Development Board is the governing body of the Accelerate Rural Indiana Regional Development Authority;

NOW, THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT BOARD OF THE ACCELERATE RURAL INDIANA REGIONAL DEVELOPMENT AUTHORITY, 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 Development Board and applies to the Development Board and any committee appointed directly by the Development 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%) 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.

(b) A member may not attend more than a 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 Development Board may participate by means of electronic communication in a meeting at which the Development Board 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 Development Board's power of eminent domain; or
- (7) 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 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.


(c) 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. A member who plans to participate electronically at a meeting must provide written notice of such intent to the Chair of the Development Board (the "Chair") at least seven (7) days prior to the date of the meeting. Exceptions to this notice requirement may be granted at the discretion of the Chair. If more than two (2) members intend to participate electronically at the same meeting, the first two (2) members to provide notice of such intent may attend the meeting electronically (unless such members otherwise agree).

Section 8. A technological failure in an electronic means of communication that disrupts or prevents members not physically present or members of the public not physically present from attending and observing the meeting, does not affect the validity of an action taken by the Development Board at such meeting if the members physically present and the members participating by electronic communication without technological failure satisfy voting requirements of the Development Board (*i.e.*, majority vote).

Section 9. This resolution shall be effective from and after adoption by this Development Board and compliance with IC 36-4-6-14.

Adopted this 14<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Bryan Robbins, Chair

  
\_\_\_\_\_  
Andy Saner, Vice Chair

  
\_\_\_\_\_  
Bruce Everhart, Secretary-Treasurer

  
\_\_\_\_\_  
Virgil Bremer, Board Member

A handwritten signature in cursive script that reads "David Toll". The signature is written in black ink and is positioned above a horizontal line.

David Toll, Board Member