

RESOLUTION NO. 1136

A RESOLUTION ESTABLISHING A POLICY ON ELECTRONIC PARTICIPATION IN MEETINGS OF THE COMMON COUNCIL PURSUANT TO I.C. § 5-14-1.5-3.5(d).

WHEREAS, Indiana Code § 5-14-1.5-3.5 permits Council members to participate electronically in meetings of the Common Council, and

WHEREAS, the Common Council desires to establish the procedures that apply to a Council member's participation in a meeting by an electronic means of communication.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KENDALLVILLE, INDIANA:

Section 1. Purpose and Authority

1. This policy is adopted by the Common Council of the City of Kendallville (hereafter the "Council") pursuant to Indiana Code § 5-14-1.5-3.5(d) to establish procedures governing members' participation in council meetings by electronic means of communication.
2. The intent of this policy is to allow remote participation when necessary while maintaining transparency, public access, and compliance with the Indiana Open Door Law.
3. This policy applies to all regular and special meetings of the Council, except executive sessions held in accordance with law.

Section 2. Definitions

For purposes of this policy:

- "Electronic means of communication" means any technology (e.g. video conferencing, telephone conference call, or web-based meeting platform) that permits simultaneous communication among all participating Council members and, unless the meeting is in executive session, allows the public to simultaneously attend and observe the meeting.
- "Technological failure" means any interruption, loss of connection, or malfunction that prevents a Council member or the public from seeing, hearing, or otherwise communicating during the meeting.

Section 3. Conditions for Electronic Participation

1. A Council member may participate in a meeting by electronic means of communication only if the method:
 - a. allows simultaneous communication among all Council members; and

- b. unless the meeting is an executive session, allows the public to simultaneously attend and observe.
2. A Council member participating electronically shall be considered present for purposes of establishing a quorum but may participate in a vote, or any final action taken at the meeting, only if the Council member is able to both be seen and heard by all other participating Council members and the attending public during the meeting.
3. At least fifty percent (50%) of the members of the Council must be physically present at the meeting site.
4. The Council may not conduct a meeting solely by electronic means.

Section 4. Restrictions on Electronic Attendance

1. A Council member may not participate electronically in a meeting during which the Council will take final action to:
 - o adopt a budget;
 - o reduce personnel;
 - o initiate a referendum;
 - o establish or increase a fee;
 - o establish or increase a penalty;
 - o exercise eminent domain authority; or
 - o establish, raise, or renew a tax.
2. A member may not attend more than 50% of the Council's meetings in a calendar year by electronic means, unless the absence is due to:
 - o military service,
 - o illness or other medical condition,
 - o death of a relative, or
 - o an emergency involving actual or threatened injury to persons or property.
3. A member may not attend more than two (2) consecutive meetings by electronic means, unless the absence is for one of the reasons listed above.

Section 5. Notice and Arrangements for Remote Participation

1. A Council member who wishes to participate electronically must notify the presiding officer no later than 24 hours before the meeting, unless prevented by an emergency.
2. The City Clerk/Treasurer shall make reasonable arrangements for the Council member's participation and ensure the chosen technology meets statutory requirements.
3. Failure to provide timely notice or failure of the technology to allow full participation may result in the Council member being recorded as absent.

Section 6. Conduct of the Meeting

1. The presiding officer shall announce at the beginning of the meeting:
 - o which Council members are physically present,
 - o which Council members are participating electronically, and
 - o whether a quorum is physically present.
2. All votes taken during a meeting in which any member participates electronically shall be conducted by roll call vote.
3. Members participating electronically must have their audio and video functions enabled during deliberations and when voting, except when experiencing a verified technical issue.

Section 7. Technological Failures

1. If a Council member's connection is lost or fails:
 - a. The presiding officer may briefly recess (up to five minutes) to allow reconnection.
 - b. If reconnection cannot be achieved, the Council member shall be considered absent from the remainder of the meeting.
 - c. The Council may continue the meeting only if:
 1. a quorum of Council members remains connected or physically present, and
 2. the meeting otherwise remains open to the public in compliance with law.
 - d. The minutes must reflect any technological failures and the time at which a Council member's connection was lost or restored.

Section 8. Minutes and Recordkeeping

1. The minutes or memoranda of each meeting must:
 - o identify each Council member physically present, participating electronically, and absent;
 - o specify the electronic means used for remote participation; and
 - o if not an executive session, state how the public could observe the meeting.
2. Roll call votes shall clearly indicate how each Council member voted and whether the Council member was present in person or electronically.

Section 9. Amendment and Review

1. This policy may be amended by resolution of the Council, provided that any amendment remains consistent with state law.
2. The Council shall review this policy at least once every two (2) years or whenever state law regarding electronic participation is amended.

Section 10.

This resolution shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Common Council of the City of Kendallville, Indiana this _____ day of _____, 2025.

	YEA	NAY	ABSTAIN	ABSENT
Tara Streb	_____	_____	_____	_____
Cory Boese	_____	_____	_____	_____
Amy Ballard	_____	_____	_____	_____
Shari Targart	_____	_____	_____	_____
Christopher McCreery	_____	_____	_____	_____

APPROVED this _____ day of _____, 2025.

Lance L. Waters, Mayor

ATTEST:

Kathren R. Ritchie, Clerk-Treasurer