

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE TIPPECANOE COUNTY AREA BOARD OF ZONING APPEALS MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION A/K/A ELECTRONIC MEETING POLICY**

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 I 5-14-1.5-3.5(d); and

WHEREAS, the Area Board of Zoning Appeals is the governing body of the Tippecanoe County Area Board of Zoning Appeals (ABZA):

NOW, THEREFORE, BE IT RESOLVED BY THE Tippecanoe County Area Board of Zoning Appeals:

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 ABZA and applies to the ABZA and any committee appointed directly by the ABZA 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 so it is known what votes were cast by each member.

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 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. (a) If an emergency is declared by: (This section applies only in the event of an emergency)

- (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 so it is known what votes were cast by each member.

**Sections 1 through and including Section 5, above, are all required by Indiana state statute. The following section is to be determined and may be amended by the ABZA.**

Section 6. The ABZA hereby adopts the following rules of procedure which shall apply when any member participates in a public meeting by any electronic means of communication:

- (a) During an electronic meeting, the presiding officer must attend in person.
- (b) Any member intending to participate electronically shall notify the presiding office of the body at least forty-eight hours before the beginning of the meeting.
- (c) During an electronic meeting, all votes shall be by roll call so the identity and vote of each member is documented.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2021.

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President, ABZA of Tippecanoe County

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Secretary, ABZA of Tippecanoe County