

21R-20

Sponsor: Scott Rakos
Councilman, 6th District

RESOLUTION NO. B20

**A RESOLUTION ESTABLISHING THE POLICY BY WHICH
MEMBERS OF THE CITY OF HAMMOND COMMON COUNCIL
MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION**

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IND. CODE § 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending I.C. § 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.C. § 5-14-1.5-3.5(d); and

WHEREAS, the City of Hammond Common Council is the legislative governing body of the City of Hammond, Indiana.

NOW, THEREFORE, BE IT RESOLVED by The Common Council of the City of Hammond:

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 City of Hammond Common Council and applies to the City of Hammond Common Council and any committee or Advisory Board appointed directly by this Common Council or its presiding officer.

SECTION 2. (a) Subject to Section 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 (ii) 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 member participates by an electronic means of communication must be taken by roll call vote.

SECTION 3. (a) At least fifty (50%) of the members must be physically present at a meeting at which a member or members 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 (50%) percent of the meetings in a calendar year by an electronic means of communication, unless the member's 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 of a meeting at which any member participates by electronic means of communication must:

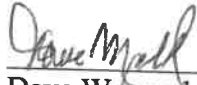
- (1) Identify each member who:
 - (A) was physically present at the meeting;
 - (B) participated in the meeting by electronic means of communication; and
 - (C) was absent; and
- (2) Identify the electronic means of communication by which:
 - (A) members participated in the meeting; and
 - (B) members of the public attended and observed the meeting if the meeting was not an executive session.

SECTION 5. No member of the City of Hammond Common Council may participate by means of electronic communication in a meeting at which the City of Hammond Common Council 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 City of Hammond Common Council's power of eminent domain;
or
- (7) establish, impose, raise or renew a tax.

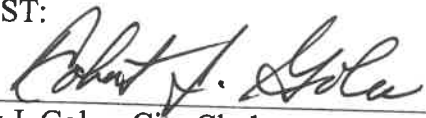
SECTION 6. This resolution shall be effective from and after adoption by this Common Council.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 14th day of June, 2021.



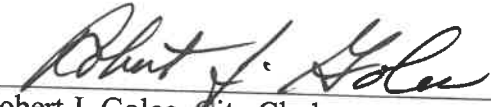
Dave Woerpel, President
Hammond Common Council

ATTEST:



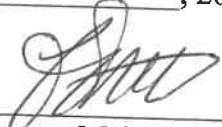
Robert J. Golec, City Clerk
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 15th day of June, 2021.



Robert J. Golec, City Clerk
City of Hammond, Indiana

The foregoing Resolution No. R 20 consisting of four (4) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 15th day of June, 2021.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 14th day of June, 2021 and
Approved by the Mayor on the 15th day of June, 2021.



Robert J. Golec, City Clerk
City of Hammond, Indiana