

**WHITELAND TOWN COUNCIL  
RESOLUTION NO. 2022-04**

**A RESOLUTION ESTABLISHING PROCEDURES AND POLICIES  
REGARDING PARTICIPATION IN COUNCIL MEETINGS BY ELECTRONIC  
MEANS OF COMMUNICATION**

WHEREAS, in the 2021 session, the Indiana General Assembly amended I.C. 5-14-1.5-3.5 to permit the adoption of a written policy allowing Council Members to participate in Council meetings by electronic means of communication;

WHEREAS, the Whiteland Town Council has determined that it is in the best interest of the Town to adopt this Resolution as the Town Council's procedures and policies regarding participation in meetings by electronic means of communication.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whiteland, Indiana, as follows:

1. A member of the Town Council who is not physically present at a meeting of the Town Council may participate in a meeting by any electronic means of communication that does the following:

- a. Allows all participating members of the Town Council to simultaneously communicate with each other. And,
- b. Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

2. Subject to subsection 7 below, a Council member who participates in a meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

3. A technological failure in an electronic means of communication that disrupts or prevents:

- a. the simultaneous communication between a member who is not physically present at the meeting and the Council; or
- b. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Council from conducting the meeting or affect the validity of an action taken by the Council at the meeting if the sum of the Council members physically present at the meeting and the Council members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Council.

4. All votes taken during a meeting in which a Council member is participating by electronic communication must be taken by roll call vote.

5. At least fifty percent (50%) of the members of the Council must be physically present at a meeting.

6. A member of the Council may not attend more than fifty percent (50%) of the Council's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

- a. military service;
- b. illness or other medical condition;
- c. death of a relative; or
- d. an emergency involving actual or threatened injury to persons or property.

7. A member of the Council may not participate in a meeting of the Council by electronic communication if the Council is attempting to take final action to:

- a. adopt a budget;
- b. make a reduction in personnel;
- c. initiate a referendum;
- d. establish or increase a fee;
- e. establish or increase a penalty;
- f. use the Council's eminent domain authority; or
- g. establish, raise, or renew a tax.

8. A Council member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A Council member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- a. military service;
- b. illness or other medical condition;
- c. death of a relative; or
- d. an emergency involving actual or threatened injury to persons or property.

9. The Clerk-Treasurer may participate by means of electronic communication, including the casting of a vote to break a tie.


10. In accordance with I.C. 5-14-1.5-3.7, Sections 1 through 8 of this Resolution shall not apply if a disaster emergency is in effect as declared by the Governor of Indiana under I.C. 10-14-3-12, or if a local disaster emergency is in effect as declared by the Town Council President under I.C. 10-14-3-29.

11. This Resolution shall be in full force and effect from and after its passage and approval by the Town Council.

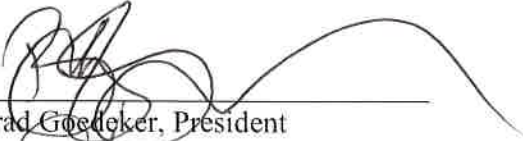
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DULY PASSED AND ADOPTED on the 8 day of February, 2022, by a vote of 3 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

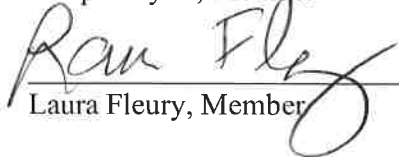
  
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Brad Goedeker, President

VOTING IN FAVOR

  
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Brad Goedeker, President

  
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Richard Hill, Vice-President

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Joseph Sayler, Member

  
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Laura Fleury, Member

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David Hawkins, Member

VOTING OPPOSED

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Brad Goedeker, President

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Richard Hill, Vice-President

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Joseph Sayler, Member

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Laura Fleury, Member

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David Hawkins, Member

ATTEST:  
  
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Debra L. Hendrickson, Clerk-Treasurer