

**BIG CICERO CREEK JOINT DRAINAGE BOARD**

**RESOLUTION NO. 2023-001**

**A RESOLUTION REVISING THE ESTABLISHED POLICY  
FOR ELECTRONIC PARTICIPATION IN MEETINGS  
PURSUANT TO INDIANA CODE § 5-14-1.5-3.5**

**WHEREAS**, the Big Cicero Creek Joint Drainage Board, (hereinafter the “Board”) was established pursuant to I.C. 36-9-27-14 *et seq.*;

**WHEREAS**, the Board holds duly noticed meetings;

**WHEREAS**, the members of the Board cannot always be physically present for said regularly established meetings;

**WHEREAS**, the Board previously found that allowing members of the Board to participate in said regularly established meetings via electronic means pursuant to Indiana Code § 5-14-1.5-3.5 would be beneficial to the Board;

**WHEREAS**, the COVID-19 pandemic created a unique situation which highlighted the need for flexibility in attendance at meetings by members of the Board.

**WHEREAS**, the General Assembly revised Indiana Code § 5-14-1.5-3.5, and the revised version of this provision became effective on July 1, 2021, which altered the established requirements for electronic meetings; and

**WHEREAS**, the Board finds that for a member of the Board to participate in said meetings via electronic means, revised guidelines should be established pursuant to Indiana Code § 5-14-1.5-2.5 to provide additional flexibility.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

For a member of the Board to participate in a regularly scheduled meeting of the Board via electronic means, the following steps must be taken:

1. A member of the Board who is not physically present at a meeting of the Board may participate in a meeting by any electronic means of communication so long as the electronic means of communication provides the following:

- i. Allows all participating members of the Board to simultaneously communicate with each other.
- ii. Allows the public to simultaneously attend and observe the meeting.

2. A Board member who participates in a meeting by electronic means of communication shall be considered present for purposes of establishing a quorum.

3. A Board member who participates in the meeting by an electronic means of communications may participate in any final action taken at the meeting only if the member can be simultaneously seen and heard by the Board.

4. If a technological failure in an electronic means of communication occurs and disrupts or prevents:

- i. The simultaneous communication between a Board member who is not physically present at the meeting and the Board; or
- ii. A member of the public who is not present at the meeting from attending and observing the meeting;

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

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

6. A Board member may not attend more than fifty percent (50%) of the Board's meetings in a calendar year by means of electronic communication unless the following circumstances arise:

- a. Military service;
- b. Illness or other medical conditions;
- c. Death of a relative; or
- d. An emergency involving actual or threatened injury to persons or property.

7. The Board may not have a member of the Board participate in a meeting by electronic communication if the Board 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 governing body eminent domain authority; or
- g. Establish, raise, or renew a tax.

8. A Board member may only attend three consecutive meetings by electronic communication, and they must be physically present at one meeting before participating in any additional meetings via electronic communication unless the Board 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 and property.

9. The Board hereby does not limit the total number of meetings that the Board may conduct in one calendar year by electronic communication.

10. The Board shall prepare a memoranda for a meeting in which a Board member participates by an electronic means of communication which states: the name of each Board member who was physically present at the place where the meeting was conducted; the name of each Board member who participated in the meeting by using electronic means of communication; and the name of each Board member who was absent. The memoranda shall also state the type of electronic means of communication by which the members of the Board participated in the meeting and the public attended and observed the meeting.

11. All votes taken during a meeting in which a member participates via an electronic communication must be taken by roll-call vote.

12. This resolution herein incorporates any other procedures, limitations, or conditions required by Indiana Code § 5-14-1.5-3.5.

13. This resolution is effective upon its adoption.

Resolved and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BIG CICERO CREEK JOINT DRAINAGE BOARD

By: \_\_\_\_\_  
Brad Bagwell

By: \_\_\_\_\_  
Jordan Brewer

By: \_\_\_\_\_  
Mark Heirbrandt

By: \_\_\_\_\_  
Donnie Lawson

By: \_\_\_\_\_  
Austin Henderson

ATTEST: \_\_\_\_\_  
Kristi Hinkle, Secretary