RESOLUTION NO. 01-2024

**A RESOLUTION OF THE COMMUNITY POLICE REVIEW BOARD
OF SOUTH BEND, INDIANA
ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE BOARD MAY
PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION**

WHEREAS, the Community Police Review Board of South Bend, Indiana (the "Board") operates pursuant to Article 1, Division 2 of Chapter 2 of the South Bend Municipal Code, as may be amended from time to time, and

WHEREAS, the Board abides by I.C. 5-14-1.5-1 *et seq.* (the "Open Door Law"); and

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended the Open Door Law, effective April 20, 2021, by amending Section 3.5 to prescribe new requirements by which members of a governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication; and

WHEREAS, Section 3.5 states that a member of a 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; and

WHEREAS, the Open Door Law 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 Section 3.5(d); and

WHEREAS, the Board may adopt a policy and rules of procedure by majority vote of the Board members at a regularly scheduled meeting where a quorum is present.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1.   (a) The provisions of Section 3.5 of the Open Door Law, including definitions, apply to this resolution.

(b) This resolution shall be known as the "Electronic Meetings Policy" of the Board and applies to the Board and any committee appointed directly by the Board President ("Committee").

Section 2.   (a) Subject to Sections 3 and 5 hereof, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the Board or any Committee to communicate with each other simultaneously; and (ii) other than a an executive session, allows the public to attend and observe the meeting simultaneously.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (2) 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.

Section 3.   (a) At least fifty percent (50%) of the members of the Board or any Committee 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 a 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:

(a) identify each member who:

      (1) was physically present at the meeting;

      (2) participated in the meeting by electronic means of communication; and

(3) was absent; and

(b) identify the electronic means of communication by which:

(1) members participated in the meeting; and

(2) members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. No member of the Board or any Committee may participate by means of electronic communication in a meeting at which the Board may take final action (as applicable) to:

(a) adopt a budget;

(b) make a reduction in personnel;

(c) initiate a referendum;

(d) impose or increase a fee;

(e) impose or increase a penalty;

(f) exercise the power of eminent domain; or

(g) establish, impose, raise, or renew a tax.

Section 6. (a) If an emergency is declared by:

(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.

Section 7. This resolution shall be effective from and after adoption by this Board.

ADOPTED at a meeting of the Community Police Review Board of South Bend, Indiana, held electronically and in person on September 12, 2024, as authorized by Executive Order 20-09 issued by the Governor of the State of Indiana, as subsequently renewed.

COMMUNITY POLICE REVIEW BOARD
OF SOUTH BEND, INDIANA

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Board President

ATTEST:

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Board Secretary