

ORDINANCE NO. 2021 - 18

AN ORDINANCE ALLOWING AND SETTING STANDARDS FOR HOLDING ELECTRONIC MEETINGS OF THE CITY COUNCIL OF DELPHI, INDIANA AND FOR ELECTRONIC ATTENDANCE BY COUNCIL MEMBERS

WHEREAS, the City Council of Delphi, Indiana, seeks to balance ease of Council Members' access to and participation in official proceedings, especially where there are occurrences that impede physical attendance;

WHEREAS, the City Council of Delphi, Indiana, strives to adhere to the requirements of I.C. § 5-14-1.5-3.6, and any amendments thereto, in a manner consistent with the requirements of the Indiana Open Door Law; and

WHEREAS, the City Council of Delphi, Indiana, encourages Council Members to physically attend Council Meetings whenever feasible, but also recognizes that there may be instances where physical attendance is impossible.

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1 – Electronic Meetings: Generally. Council Members may attend Council Meetings via a means of electronic communication such as a telephone, video conference, computer, or other modes of electronic communication in common use, provided that at least a quorum of the Council Members counted as in attendance are physically present at the designated meeting site.

The Mayor or other Presiding Officer is delegated the authority to supervise, coordinate, and manage the electronic Council Meeting participation of Council Members pursuant to this Ordinance. A Council Member wishing to attend and participate in a Council Meeting via an electronic means of communication shall notify the Mayor or other Presiding Officer at least two business days in advance of the meeting, unless attendance in person is not possible due to injury, illness, or emergency.

Council Members may hold Council Meetings entirely via electronic means and without limit in terms of consecutive electronic meetings during a disaster emergency pursuant to I.C. § 5-14-1.5-3.7.

SECTION 2 – Electronic Meetings: Attendance, Quorum, and Voting. A Council Member attending via an electronic means of communication that conforms with the requirements of this Ordinance shall be considered present for purposes of establishing a quorum but *may only participate in any final action taken at the meeting if said Council Member can be seen and heard at the time that final action is taken.*

A Council Member *may not participate* in a Council Meeting 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;

A Council Member is required to physically attend at least one-half (1/2) of all Council Meetings in a calendar year unless a public health or other qualified emergency is declared. A Council Member may not attend more than two (2) consecutive meetings via electronic means unless said Council 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.

Where at least one (1) Council Member is participating via electronic means pursuant to this Ordinance, all votes of the Council will be taken by roll call voice vote.

SECTION 3 – Electronic Meetings: Record Keeping. This Ordinance shall not be construed to create a right for members of the public to observe or record an executive session of the Council conducted pursuant to I.C. § 5-14-1.5-6-1, or any other applicable law.

A technological failure in an electronic means of communication that disrupts or prevents the simultaneous communication between Council Members or a member of the public attending a meeting by electronic means from attending or observing, does not prevent the Council from conducting the meeting nor does it affect the validity of an action taken by the Council at the meeting, so long as a quorum of the Council is present in person.

All memoranda prepared during or resulting from a Council Meeting where one or more Council Members attends via electronic means must:

- a. State the name of each Council Member and designate whether they attended physically, via electronic means and the nature of said means, or were absent.
- b. Identify the electronic means of communication by which the public attended and observed the meeting, exclusive of executive sessions.

SECTION 4 – Electronic Signatures. In connection with the issuance of any obligation described in I.C. § 5-1-1-1(b), the execution of the obligation using electronic signatures shall be considered fully legal and valid, with the same force and effect as manual signatures.

Passed and adopted by the Common Council of the City of Delphi, Indiana this 20th day of December, 2021.


Passage by a Majority of the Common Council:


Attest: Leanne Aldrich, Clerk-Treasurer


Anita Werling, Presiding Officer

Approved Vetoed by me, the Mayor, this 20th day of December, 2021.


Attest: Leanne Aldrich, Clerk-Treasurer


Anita Werling, Mayor