CUMBERLAND TOWN COUNCIL

RESOLUTION NO. 2020-09

A RESOLUTION ADOPTING A POLICY FOR VIRTUAL PARTICIPATION IN TOWN COUNCIL MEETINGS

WHEREAS, on March 16, 2020, Indiana Governor Eric Holcomb issued Executive Order 20-04, issuing further orders and directives to the Coronavirus Disease 2019 Epidemic (COVID-19); and

WHEREAS, included in the orders and directives in the Executive Order were provisions which included orders that public meetings conducted pursuant to Indiana Code §5-14-1.5 (Open Door Law) should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency, suspension of all specific statutory deadlines during the public health emergency which require a governing body to meet insofar as the cancellations do not disrupt essential government decisions or services or when meetings would otherwise be required by federal law, suspension of the requirement of adopting a policy for electronic participation, authorization that governing bodies may meet with as few as one member physically present with other members participating electronically, authorizing governing bodies to post notices and agendas for meetings solely by electronic means, and authorizing local government agencies to comply with the provisions of Indiana Code §5-14-1.5-3.6 as modified in conducting public meetings for the duration of the public health emergency;

WHEREAS, on March 16, 2020, the Public Access Counselor, Luke Britt, also issued guidance on the Open Door Law and compliance with it during the public health emergency, advising public agencies to cancel or postpone non-essential meeting consistent with the Governor’s Executive Order, encouraging public agencies that conduct meetings to follow guidance from the Center for Disease Control (CDC) and Indiana State Department of Health (ISDH) regarding public gatherings, encouraging governing bodies to shorten the length of meetings and exclude non-essential agenda items, allow public comment by remote submissions, and delegation of items and authority to the presiding officer, if allowed by statute, for operational, administrative and other matters.

WHEREAS, on March 23, 2020, Governor Holcomb issued Executive Order 20-9, and this Order suspended the requirement of the Open Door Law that required one member of the Town Council to be physically present during a meeting of the Council and authorized the Council to conduct virtual meetings, in which no member of the Council is physically present, if a quorum of the Council participate in the meeting by remote or electronic means;

WHEREAS, in light of the most recent Executive Order, the guidance of the Public Access Counselor, and information received from the CDC, ISDH, and local health authorities, the Town Council finds that if a meeting of the Council is necessary to conduct essential business of the Council during the public health emergency that (1) such a meeting may take place if at least a quorum of the Council participates in the meeting by remote or electronic means; (2) that no
members of the Council are required to be physically present at the meeting; (3) that the members participating electronically have an unlimited right to participate and vote on all matters, including but not limited to final action, which come before the Council; and (4) members of the public and the media are allowed to participate in the meeting by telephone, conference meeting website platform, or other means and are allowed to provide public comment prior to and during the meeting; and

WHEREAS, this resolution is necessary because the Council’s rules of procedure do not permit Board members to participate in meetings remotely and do not permit those doing so to vote.

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND TOWN COUNCIL, as follows:

1. if a meeting of the Council is necessary to conduct essential business of the Council during the public health emergency:
   a. such a meeting may take place if at least a quorum of the Council participates in the meeting by remote or electronic means;
   b. no members of the Council are required to be physically present in the Town Hall; and
   c. that the members participating remotely or electronically have an unlimited right to participate and vote on all matters, including but not limited to final action, which come before the Council; and

2. if a meeting of the Town Council is conducted during the public health emergency:
   a. the public and the media will be allowed to participate in the meeting by telephone, conference meeting website platform or other means and allowed to make public comment prior to and during the meeting;
   b. the Council will reduce the length of meetings and number of items on the agenda;
   c. public comment will be allowed by remote access; and
   d. the Council will, when appropriate, delegate authority to the presiding officer for operational, administrative and other matters.

3. The Clerk-Treasurer will post this resolution on the Town Website for the public’s information.
Adopted the 15th day of April, 2020.

CUMBERLAND TOWN COUNCIL:

Signed electronically - 4/15/2020 - virtual council meeting
Joe Siefker, President

Signed electronically - 4/15/2020 - virtual council meeting
Anna Pea, Vice President

Signed electronically - 4/15/2020 - virtual council meeting
Brian Gritter, Member

Signed electronically - 4/15/2020 - virtual council meeting
Edward Loud, Member

Signed electronically - 4/15/2020 - virtual council meeting
Breck Terheide, Member

ATTEST: __________________________
Erca Salmon, Clerk-Treasurer

Signed electronically - 4/15/2020 - virtual council meeting