

STATE OF INDIANA  
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

**ORDINANCE NO. 2022 – OR – 001**

**AN ORDINANCE ESTABLISHING A WRITTEN POLICY REGARDING THE TOWN COUNCIL MEMBERS' PARTICIPATION IN A MEETING BY ELECTRONIC MEANS OF COMMUNICATION.**

**WHEREAS**, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

**WHEREAS**, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

**WHEREAS**, pursuant to Ind. Code § 5-14-1.5 *et seq.*, members of local governing bodies and political subdivisions are permitted to participate in public meetings; and,

**WHEREAS**, Ind. Code § 5-14-1.5 *et seq.* requires the governing body to adopt a written policy establishing the procedure that apply to a member’s participation in a meeting by electronic means and this Council now desires same.

**NOW THEREFORE BE IT ORDAINED** by this Town Council of Sellersburg, Indiana the following:

1. **Title.** This Ordinance shall be known as the “Policy for Participation By Town Board Members By Electronic Means for the Town of Sellersburg, Indiana” (the “Electronic Participation Policy”).
2. **Authority.** Pursuant to Ind. Code § 5-14-1.5 *et seq.*, this Council hereby establishes the Electronic Participation Policy.
3. **Policy.**
  - a) **Attendance By Electronic Means:** Town Council Members (“Members”) are permitted to participate in no more than four (4) public meetings per year by an approved electronic means of communication. A Member may attend two (2) consecutive meetings (a set of meetings)

by electronic communication. A Member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the 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.
- b) Notice: Except for emergency situations, Members shall provide notice to the Town Manager or Executive Secretary, within 72-hours of the public meeting, that the Member will be participating by electronic means.
- c) Required Physical Attendance: There shall be at least three (3) Members physically present at the public meeting wherein any Member is participating by electronic means.
- d) Voting: All votes taken during a meeting wherein a Member is participating by electronic means shall be taken by roll call.
- e) Issues Prohibited To Participate By Through Electronic Means: A Member may not participate in a meeting by electronic communication if the governing body is attempting to take final action to:
- 1) adopt a budget;
  - 2) make a reduction in personnel;
  - 3) initiate a referendum;
  - 4) establish or increase a fee;
  - 5) establish or increase a penalty;
  - 6) use the governing body's eminent domain authority; or
  - 7) establish, raise, or renew a tax.
4. Effect. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 1<sup>st</sup> day of February, 2022

“Aye”

“Nay”

Brad Amos  
Brad Amos  
Council President

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Brad Amos  
Council President

Present Virtually  
Scott McVoy  
Council Vice President

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Scott McVoy  
Council Vice President

Terry Langford  
Terry Langford  
Council 2<sup>nd</sup> Vice President

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Terry Langford  
Council 2<sup>nd</sup> Vice President

Matthew Czarnecki  
Matthew Czarnecki  
Council Member

\_\_\_\_\_  
Matthew Czarnecki  
Council Member

Randall Mobley  
Randall Mobley  
Council Member

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Randall Mobley  
Council Member

Michelle Miller  
Attested by: Michelle Miller  
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 2/1/2022

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 2/1/2022

MOTION: Czarnecki

SECOND: Mobley

VOTE: 5 AYE 0 NAY 0 ABSTAIN

