

**RESOLUTION 2024-24**

**A RESOLUTION REVISING THE BLOOMINGTON COMMON COUNCIL  
ELECTRONIC MEETINGS POLICY**

WHEREAS, in anticipation of Governor Holcomb’s cessation of the state-declared public health emergency, the Indiana General Assembly passed House Enrolled Act 1437 on April 20, 2021, which amended Indiana Code 5-14-1.5 et seq., commonly referred to as the Open Door Law, to require governing bodies of public agencies to follow certain minimum requirements and adopt a written policy establishing the procedures that members of the governing body must follow in order to participate in meetings using electronic communication; and

WHEREAS, the procedures adopted in such an electronic meetings policy may be more restrictive than those established by state law, under I.C. 5-14-1.5-3.5, but may not be less restrictive; and

WHEREAS, the Bloomington Common Council (“Council”) adopted its Electronic Meetings Policy (the “Policy”) by Resolution 21-17 on May 27, 2021, which establishes procedures and requirements that apply to the electronic participation of Councilmembers, the public, and City staff members within meetings of the Council or any of its committees; and

WHEREAS, this Policy has enabled the Council to conduct “hybrid” meetings using an electronic communication platform allowing, subject to the statutory and the Policy’s minimum requirements, both in-person and electronic participation at Council meetings; and

WHEREAS, Council has determined that providing Councilmembers the ability to participate in public meetings by an electronic means of communication will promote effective representation of constituents and facilitate the effective transaction of Council business; and

WHEREAS, the Council wishes to revise its Policy to establish additional rules for electronic participation by councilmembers that are more restrictive than those provided in Resolution 21-17; and

WHEREAS, the Council seeks to clarify the application of Ordinance 13-05, Section 9, which contemplates informal gatherings purely for discussion purposes (“Work Sessions”) and which Ordinance was adopted prior to the enactment of Section 3.5(g) of the Open Door law, and which Council intends to further review in the future; and

WHEREAS, the Council wishes to include some of the discretionary procedures listed in IC 5-14-1.5-3.5(d) within its revised Policy; and

WHEREAS, due to the enhanced public access that hybrid meetings provide for members of the public who cannot attend Council meetings in person, the Council wishes to only change the requirements for councilmember participation within all meetings of the Council and its committees;

THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. The Bloomington Common Council hereby revises Section 3(a) of the Electronic Meetings Policy by deleting said Section 3(a) in its entirety and replacing it with the following:

Section 3.

(a) The numerical requirements of in person attendance at meetings of Council and its committees are as follows:

(1) At meetings of Council committees, at least 50% of the total committee members (meaning 2 members out of 4 total members, or 2

members out of 3 total members) must be present in person at a meeting, before an additional member(s) may participate in the meeting electronically, subject to other provisions of the Open Door Law.

(2) At meetings of the full Council, at least 5 members must be present in person at a meeting, before one or more members may participate in the meeting electronically, subject to other provisions of the Open Door Law.

Section II. The Bloomington Common Council hereby further revises the Electronic Meetings Policy and adopts additional requirements for members of the Council and its committees to participate in meetings by electronic means of communication, by inserting within Section 3 of the Electronic Meetings Policy, the following subsections after subsection (c), to read as follows:

(d) Meetings of Council committees are subject to the following rules about electronic participation:

(1) Any member who plans to attend a meeting should attempt to attend the meeting in person;

(2) Any member who can only attend a meeting by electronic means of communication must notify the presiding officer and City Clerk as required in subsection (f) below, subject to the provisions of IC 5-14-1.5 et seq.;

(3) Should 50% of the total members attend a meeting, then at least all of those members must be in attendance in person, and quorum may be fulfilled with an additional member(s) attending electronically; and

(4) If more than 50% of the members attend a meeting, but less than 50% of the members are in person, then one of the following must occur, subject to the discretion of the meeting chair:

(i) the gathering shall be delayed not more than 15 minutes until at least 50% of members are present in person, assuming quorum is met; or

(ii) the gathering shall be canceled or rescheduled.

(e) Meetings of the Council are subject to the following rules about electronic participation:

(1) Any member who plans to attend a meeting should attempt to attend the meeting in person;

(2) Any member who can only attend a meeting by electronic means of communication must notify the presiding officer and City Clerk as required in subsection (f) below, subject to compliance with the provisions of IC 5-14-1.5 et seq.;

(3) If more than 5 members attend a meeting, then at least 5 members must be in attendance in person; and

(4) If more than 50% of members attend a meeting, but less than 5 members are in person, then one of the following must occur, subject to the discretion of the meeting chair:

(i) the gathering shall be delayed not more than 15 minutes until a quorum of members are present in person;

(ii) the gathering shall be canceled or rescheduled; or

(iii) in the event that the meeting is called and noticed as a Work Session, then this Section (e)(3) may apply, as follows: all members attending the Work Session by electronic means of communication shall leave the meeting, and the gathering shall continue only for the sub-majority members in person, solely as a sub-quorum discussion voluntarily open to the public, provided that the following conditions have been met:

(A) City staff confirms there are no longer members in attendance via electronic means of communications; and

(B) The chair announces that no decision or policy or recommendation will be made and no vote will be taken; and

(C) The sub-quorum gathering shall be treated as a “meeting” subject to the requirements of IC 5-14-1.5 et seq.; and

(D) The Work Session is limited, by its definition, to a group discussion among its members and potentially Council and/or Administration staff, free from procedural formalities, including but not limited to Robert’s Rules of Order and other procedural rules of the Bloomington Municipal Code.

(f) It is preferred that, except in the case of an emergency meeting described under I.C. 5-14-1.5-5(d), any member who plans to attend a meeting by electronic means of communication notify the presiding officer and the City Clerk within no less than 48 hours before the meeting.

Section III. If any sections, sentence or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

Section IV. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
ISABEL PIEDMONT-SMITH, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
KERRY THOMSON, Mayor  
City of Bloomington

### SYNOPSIS

This resolution amends the Council's Electronic Meetings Policy to provide additional requirements for councilmembers to participate in meetings of the Council or any of its committees by electronic means of communication.