

**POLICY OF**  
**THE CAPITAL IMPROVEMENT BOARD OF MANAGERS OF MARION COUNTY**  
**REGARDING PARTICIPATION IN MEETINGS**  
**BY ELECTRONIC COMMUNICATION**

The policy herein (this “Policy”) of the Capital Improvement Board of Managers of Marion County (the “Board”) shall govern the participation of the Board’s members (each, a “Member” and, collectively, the “Members”) in meetings of the Board by electronic communication.

1. A Member who is not physically present at a meeting of the Board may participate in said meeting by, or through the use of, any means of electronic communication, so long as the following individuals may simultaneously communicate with each other (by being seen and heard) during the meeting: (a) the Member participating by electronic communication; (b) all other Members participating in the meeting; and (c) all members of the public physically present at the place where the meeting is conducted.

2. The minimum number of Members who must be physically present at the place where the meeting is conducted is five (5) members. Except as provided in the previous sentence, there shall be no limit to the number of Members who may participate in any one meeting by electronic communication.

3. A Member must request authorization to participate in a meeting of the Board by electronic communication before the meeting begins to allow arrangements to be made for the Member’s participation by electronic communication. If five (5) or more of the Members request to participate electronically, preference will be given first to Members experiencing Extenuating Circumstances (defined below), then on a first-come, first-served basis. If one of the matters listed in Section 9 below is on the agenda for the meeting for which the request is made, the Board will deny the request and inform the requesting Member that said matter is on the agenda for the requested meeting and virtual participation is not allowed.

4. A Member who participates in a meeting of the Board by means of electronic communication is deemed to be present in person at the meeting of the Board, shall be counted for purposes of establishing a quorum at the meeting, and may vote at the meeting on any action of the Board. Notwithstanding the foregoing, a Member who participates in a meeting of the Board by means of electronic communication may only participate in any final action (not including those final actions listed in Section 9 below) if the Member can be seen and heard.

5. A Member who participates in a meeting by electronic communication may cast the deciding vote on any official action of the Board, subject to the provisions of Section 4 above and Section 9 below. For illustrative purposes, a Member casts the “deciding vote” on an official action of the Board if, regardless of the order in which the votes are cast: (a) the Member votes with the majority; and (b) the official action is adopted or defeated by one (1) vote.

6. All votes of the Members during a meeting in which a Member is participating by electronic communication must be taken by roll call vote.

7. There shall be no limit to the total number of meetings that the Board may conduct in a calendar year involving participation by electronic communication.

8. Unless a Member's electronic participation is due to military service, illness or other medical condition, death of a relative, or an emergency involving actual or threatened injury to persons or property ("Extenuating Circumstances"):

- a. A Member may not attend more than fifty (50%) percent of the Board's meetings in a calendar year by means of electronic communication; and
- b. A Member may attend two (2) consecutive meetings by electronic communication, and must attend at least one (1) meeting in person between sets of two (2) consecutive meetings attended electronically.

9. Notwithstanding the foregoing, no Member may participate in a meeting by electronic communication if the Board is attempting to take a final action to (a) adopt a budget, (b) make a reduction in personnel, (c) establish or increase a fee, (d) establish or increase a penalty, (e) use the Board's eminent domain authority, or (f) establish, raise, or renew a tax.

10. This Policy shall be posted on the Board's website for viewing by the public.

11. This Policy may be amended, from time to time, or rescinded by the Board, but in either case, only by a favorable vote of a majority of the Members at a duly authorized meeting of the Board.

12. This Policy is adopted in order to comply with the "Open Door" laws of the State of Indiana, including, but not limited to, those Indiana Code sections governing the Board's ability to host electronic meetings and for the Members to participate in meetings of the Board by electronic communication (*i.e.*, Ind. Code §§ 5-14-1.5-3.5) as such laws are promulgated as of the date hereof.

This Policy was adopted by the Board by a favorable vote of a majority of the Members, with the vote having been taken by roll call at a duly authorized meeting of the Board, on the 8<sup>th</sup> day of October, 2021.

THE CAPITAL IMPROVEMENT BOARD OF  
MANAGERS OF MARION COUNTY

By: \_\_\_\_\_  
Melina Kennedy  
President