

AVON TOWN COUNCIL

RESOLUTION NO. 2020-07

A RESOLUTION ADOPTING A POLICY FOR REMOTE 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, 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 one member of the Council is physically present in the Town Hall Chambers and if a number of other Council members participate electronically, by telephone, website, or otherwise, in a number sufficient to constitute a quorum and (2) 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

WHEREAS, if a meeting of the Town Council is conducted during the public health emergency, the public will be allowed to attend the meeting, non-essential employees will be encouraged to refrain from attending, appropriate social distancing measures will be taken, including but not limited to providing sufficient distance between the Council members and members of the public, encouraging members of the public to observe proper distance from one another, reducing the length of meetings and number of items on the agenda, allowing public comment by remote access, and appropriate delegation of authority to the presiding officer for operational, administrative and other matters; and

WHEREAS, on March 18, 2020, President Greg Zusan and the Town Council declared a public health emergency, waived certain legal procedures and formalities as allowed by Indiana law, adopted a policy for the payment of claims if no meeting can be held, and authorized the issuance of orders, rules and regulations necessary for emergency management.

NOW, THEREFORE, BE IT RESOLVED BY THE AVON 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 one member of the Council is physically present in the Town Hall Chambers and if a number of other Council members participate electronically, by telephone, website, or otherwise, in a number sufficient to constitute a quorum; and
 - b. 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
2. if a meeting of the Town Council is conducted during the public health emergency:
 - a. the public will be allowed to attend the meeting;
 - b. non-essential employees will be encouraged to refrain from attending;
 - c. appropriate social distancing measures will be taken, including but not limited to providing sufficient distance between the Council members and members of the public and encouraging members of the public to observe proper distance from one another
 - d. the Council will reduce the length of meetings and number of items on the agenda;
 - e. public comment will be allowed by remote access; and
 - f. 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 18th day of March, 2020.

AVON TOWN COUNCIL:

Greg Zusan, President, Dawn Lowden, Vice President

Steve Eisenbarth, Member, Robert Pope, Member

Aaron Tevebaugh, Member

ATTEST: Julie Loker, Clerk-Treasurer