

AVON BOARD OF ZONING APPEALS

RESOLUTION NO. 2020-1

A RESOLUTION ADOPTING A POLICY FOR VIRTUAL MEETING

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; and

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; and

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 Board to be physically present during a meeting and authorized the Board to conduct virtual meetings, in which no member is physically present, if a quorum of the Board participates by remote or electronic means; and

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 Board finds that if a meeting of the Board is necessary to conduct essential business during the public health emergency that (1) such a meeting may take place if at least a quorum of the Board participates in the meeting by remote or electronic means, (2) no member of the Board is required

to be physically present at the meeting, and (3) 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 Board; and

WHEREAS, the purpose of this resolution is to create a new provision of the Board's Rules of Procedure in order to allow remote participation during the current public health emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE AVON BOARD OF ZONING APPEALS, as follows:

1. if a meeting of the Board is necessary to conduct essential business of the Board during the public health emergency:
 - a. such a meeting may take place if at least a quorum of the Board participates in the meeting by remote or electronic means;
 - b. that no members of the Board are required to be physically present at the meeting; and
 - c. 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 Board; and
2. if a meeting of the Board 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;
 - b. the public and the media will be allowed to make public comment prior to and during the meeting;
 - c. the Board will reduce the length of meetings and number of items on the agenda;
 - d. public comment will be allowed by remote access; and
 - e. the Board will, when appropriate, delegate authority to the presiding officer for operational, administrative and other matters.
3. The Secretary will deliver a copy of this resolution to the Avon Town Clerk-Treasurer so that this resolution may be posted on the Town Website for the public's information.

Adopted the 16th day of April, 2020.


AVON BOARD OF ZONING APPEALS:



President

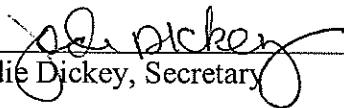


Vice President


Member

Member

Member

ATTEST: 
Jodie Dickey, Secretary