

Policy and Procedures Related to Participation in Board Meetings by Electronic Communication

**SECTION 1
PURPOSE**

Section 1.0 – Purpose

The purpose of this document is to establish the standards and procedures by the Gary/Chicago International Airport Authority (“Authority”) related to the participation in public meetings by Authority board members by electronic means. It is the purpose of this document to describe guidelines which must be followed in order to ensure compliance with the Indiana Code, specifically I.C. 5-14-1.5-1. It is the intent of this policy to encourage and facilitate official action of the Authority that is conducted and taken openly, unless otherwise expressly provided by statute, while recognizing that many technological advances and statutory changes have made the participation in open meetings by board members of a public agency much easier.

Section 1.1 — Ambiguity Resolved in Favor of Statute

In the case of any ambiguity within this Policy, or any conflict between this Policy and the most current version of the applicable statute found at I.C. 5-14-1.5-3.6, the current statute shall be considered to be controlling.

**SECTION 2
SCOPE AND DEFINITIONS**

Section 2.0 — Scope

This document applies to all official meetings, excluding executive session meetings, held by the Authority.

Section 2.1 – Definitions

2.1.1 – Authority or Governing Body

The Authority or Governing Body when used in this policy is the Gary/Chicago International Airport Authority.

2.1.2 – Electronic Communication

Electronic Communication means communication that permits an Authority board member, all other board members participating in the meeting, and all members of the public physically present at the public location where the meeting is being conducted the ability to simultaneously communicate with each other during the meeting.

2.1.3 – Deciding Vote

A deciding vote means a vote on, an official action, 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.

SECTION 3 POLICIES AND PROCEDURES – GENERAL

3.0 — Statement of General Policy

It is the policy of Authority to comply with all sections of Indiana Code which are applicable to the participation at meetings of the governing body of a public agency of the state through electronic communication which will insure greater participation by Authority board members.

3.1 — Governing Statutory Provision

This policy is intended to comply and be governed by Indiana Code 5-14-1.5-3.6.

3.2 – Participation in public meetings by Authority board members by electronic communication

A board member of the Authority, who is not physically present at a meeting of the governing body, may participate in a meeting of the governing body by electronic communication only if the member uses a means of communication that permits: (a) the member; (b) all other members participating in the meeting; (c) all members of the public physically present at the place where the meeting is conducted; and (d) all members of the public physically present at a public location at which a member participates by means of electronic communication to simultaneously communicate with each other during the meeting.

3.3 – Necessary Requirements

Before an Authority board member may participate in a meeting of the governing body by electronic communication, at least three (3) or one-third (1/3), whichever number is greater, of the board members must be physically present in the place where the meeting is conducted. All votes of the governing body during the electronic meeting must be taken by roll call vote.

3.4 – Minimum Mandatory Attendance

Each member of the governing body is required to physically attend at least one (1) meeting of the governing body annually before participating in a meeting by electronic communication.

3.5– Rights of Authority board members attending a Public Meeting by Electronic Communication

An Authority board member who participates in a meeting by electronic communication is considered to be present at the meeting and shall be counted for purposes of establishing a quorum. An Authority board member may vote at the meeting by electronic communication so long as the board member is not casting the deciding vote on any official action.

3.6 – Limitation on Participation by Electronic Communication

3.6.1 Time of Written Request - An Authority board member must make a written request, no less than forty-eight (48) hours prior to a meeting, seeking authorization from the Executive Director of the Authority to participate in a meeting of the governing body by electronic communication. This allows for arrangements to be made for the member's participation by electronic communication. The Executive Director has the discretion to approve or deny the board member's request which must be made in writing.

3.6.2 Limit on board members Who May Participate by Electronic Communication - No more than two (2) Authority board members may participate in any one (1) meeting by electronic communication.

3.6.3 Limit of the Total Number of Meetings Where Electronic Communication is Used - No more than (6) meetings in a calendar year may be conducted with the use of electronic communication.

3.6.4 Board Member Limit on Participation by Electronic Communications – An Authority board member may not participate in more than three (3) meetings by electronic communication in a calendar year.

3.7 Authority board member Post-Meeting Obligation

An Authority board member who participated in a meeting by electronic communication must confirm, in writing, the votes casted by the member during the meeting within seven (7) days after the date of the meeting.

3.8 Adoption of Policy and Posting on Website

This policy adopted by the governing body, and any amendments thereto, shall be posted on the Internet web site of the Gary/Chicago International Airport Authority.