



Agenda for the Goshen Common Council

6:00 p.m., November 18, 2024 Regular Meeting

Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN

Call to Order by Mayor Gina Leichty

Pledge of Allegiance led by Selah Rojas Lopez (4th-grader at Parkside Elementary School)

Roll Call:

Linda Gerber (At-Large) **Phil Lederach** (District 5) **Doug Nisley** (District 2)
Megan Peel (District 4) **Donald Riegsecker** (District 1) **Matt Schrock** (District 3)
Council President Brett Weddell (At-Large)
Youth Adviser Tageeya Galeb (Non-voting)

Approval of Minutes: Unavailable

Approval of Meeting Agenda

Privilege of the Floor

1) Presentation: Speeches by Kid Mayor and Kid Council finalists

2) Resolution 2024-30, A Resolution Providing for the Transfer Of Appropriations (for the Planning and Court departments)

3) Resolution 2024-03, Adopting an Electronic Meetings Policy to Allow Members of the Common Council to Participate in Meetings by Electronic Means of Communication

Elected Official Reports

Adjournment

For a live stream of the meeting, go to: <https://uso2web.zoom.us/j/81652777559>



City Clerk-Treasurer
CITY OF GOSHEN

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TO: Mayor Gina Leichty and the Goshen Common Council

FROM: Jeffery Weaver, Deputy Clerk-Treasurer

RE: Proposed Council Resolution 2024-20, A Resolution Providing for the Transfer Of Appropriations

DATE: November 18, 2024

Thank you for considering Resolution 2024-20 which requests authorization from the Council and Mayor to move available resources between major categories within the City's funds. The Mayor and Clerk-Treasurer requested this resolution because the Common Council is the City's fiscal body which authorizes the City's budget and any budget adjustments.

An appropriation is "permission to spend available money" and is tied to a specific fund. Within a fund there are four spending categories and multiple accounts. The Department of Local Government Finance ("DLGF") requires Council approval to move an appropriation from one category to another. The Council can approve this when a department needs additional room to spend in one category and has available appropriations in another category.

By moving an appropriation from one category to another, the Council will only change the category from which the City pays an expenditure. The Council is not approving any additional spending with this resolution, so the fund's total appropriation remains the same.

The two category transfers are due to a mismatch in the 2024 Budget. Last year the Council approved the 2024 Budget with a 3.5% wage increase when the 2024 Wage Ordinance allowed for a 5% wage increase. The Planning and Court departments both identified a gap in their budgets due to this difference, fortunately the Board of Works / Wage Contingency line is designed for instances like this. This transfer also allows for a Court position, scheduled to move from part-time to full-time in January, to become full-time in the final months of 2024.

If the Council approves the proposed category transfer, the Clerk-Treasurer will then register the adjustments in the City's books and communicate the transfer to the department. This category transfer is an adjustment that only requires Council approval to be final and does not require notification to the DLGF.

**GOSHEN COMMON COUNCIL
Resolution 2024-20**

A Resolution Providing for the Transfer of Appropriations

WHEREAS it is necessary to transfer funds budget categories to cover expenses.

WHEREAS certain existing budget appropriations have unobligated funds that are available for the category transfer.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council approves the transfer of funds between the following budget categories:

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Personnel Services
Line Number: 1101-5-07-4112000
Line Name: BOW / Payroll Contingency
Amount of the Transfer: (\$4,860.00)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Personnel Services
Line Number: 1101-5-16-4110130
Line Name: Planning / Full-Time Personnel
Amount of the Transfer: \$4,860.00
Purpose of Transfer: To account for the remainder of the 1.5% wage increase difference between the 2024 Budget and 2024 Wage Ordinance.

GENERAL FUND CATEGORY TRANSFER FROM:

Budget Category: Personnel Services
Line Number: 1101-5-07-4112000
Line Name: BOW / Payroll Contingency
Amount of the Transfer: (\$20,000.00)

GENERAL FUND CATEGORY TRANSFER TO:

Budget Category: Personnel Services
Line Number: 1101-5-06-4110130
Line Name: Court / Full-Time Personnel
Amount of the Transfer: \$20,000.00
Purpose of Transfer: To account for the remainder of the 1.5% wage increase difference between the 2024 Budget and 2024 Wage Ordinance, and to facilitate the transition of a part-time position to full-time.

PASSED by the Goshen Common Council on November _____, 2024.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November _____, 2024, at _____
a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November _____, 2024.

Gina Leichty, Mayor

**GOSHEN COMMON COUNCIL
RESOLUTION 2024-03**

**Adopting an Electronic Meetings Policy to Allow Members of the Common Council
to Participate in Meetings by Electronic Means of Communication**

WHEREAS I.C. 5-14-1.5-3.5 allows a member of the governing body of a political subdivision who is not physically present at a meeting of the governing body to participate in a meeting by any electronic means of communication that:

1. allows all participating members of the governing body to simultaneously communicate with each other; and
2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session;

WHEREAS the governing body must adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication, which may include procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5; and

WHEREAS the Goshen Common Council seeks to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Common Council adopts the following Electronic Meetings Policy:

Section 1. Attendance at Meetings of the Common Council by Electronic Means of Communication

- A. A member of the Common Council who is not physically present at a meeting of the Common Council may participate in the meeting of the Common Council by any electronic means of communication that:
 1. allows all participating members of the Common Council to simultaneously communicate with each other; and
 2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.
- B. The following conditions apply to a Common Council member not physically present at a meeting of the Common Council but participating in the meeting of the Common Council by an electronic means of communication:
 1. At least fifty percent (50%) of the Common Council members must be physically present at a meeting at which a member may participate by an electronic means of communication.
 2. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

3. Subject to Section 2, paragraph C, a member who participates in a meeting by an electronic means of communication may participate in final action only if the member can be seen and heard.
4. Subject to Section 2, paragraph C, a member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum.

Section 2. Limitations

- A. A member of the Common Council may not attend more than two (2) meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to:
 1. military service;
 2. illness or other medical condition;
 3. death of a relative; or
 4. an emergency involving actual or threatened injury to persons or property.
- B. A member of the Common Council may attend two (2) consecutive meetings (“a Set of Meetings”) by an electronic means of communication; however, a member must physically attend, in person, at least one (1) meeting between Sets of Meetings that the member attends by an electronic means of communication, unless the member's absence is due to:
 1. military service;
 2. illness or other medical condition;
 3. death of a relative; or
 4. an emergency involving actual or threatened injury to persons or property.
- C. A member of the Common Council may not participate in a meeting by an electronic means of communication at which the Common Council may take final action to:
 1. adopt a budget;
 2. make a reduction in personnel;
 3. initiate a referendum;
 4. establish or increase a fee;
 5. establish or increase a penalty;
 6. exercise the Council's power of eminent domain; or
 7. establish, raise or renew a tax.

Section 3. Technological Failure

A technological failure in an electronic means of communication that disrupts or prevents:

A. the simultaneous communication between a member who is not physically present at the meeting and the Common Council; or

B. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Common Council from conducting the meeting or affect the validity of an action taken by the Common Council at the meeting if the sum of the Common Council members physically present at the meeting and the Common Council members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Common Council.

Section 4. Minutes or Memoranda

The minutes or memoranda of a meeting at which any member of the Common Council participates by an electronic means of communication must:

A. identify each member who:

1. was physically present at the meeting;
2. participated in the meeting by using any electronic means of communication; and
3. was absent; and

B. identify the electronic means of communication by which:

1. members participated in the meeting; and
2. members of the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. Declared Emergencies

A. Members are not required to be physically present for a meeting of the Common Council during such time when following authorities have declared a disaster emergency and the disaster emergency remains in effect:

1. the governor under I.C. 10-14-3-12; or
2. the mayor under I.C. 10-14-3-29,

to the extent allowed by I.C. 5-14-1.5-3.7.

B. Members may participate in a meeting during a declared emergency by an electronic means of communication provided that:

1. At least a quorum of the members participate in the meeting by an electronic means of communication or in person.
2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.

- 3. The minutes or memoranda of the meeting must comply with requirements for meetings where members are allowed to attend by an electronic means of communication.
- C. All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

Section 6. Definitions

The definitions found in I.C. 5-14-1.5-2, as amended, shall apply to this policy.

Section 7. Application

The policy adopted by this resolution shall be known as the "Electronic Meetings Policy" of the Common Council and it shall apply to meetings of the Common Council and all other governing bodies of the City of Goshen, excluding the Goshen Board of Aviation Commissioners, until such time as such other governing bodies adopt policies substantially similar to this policy, in accordance with Indiana law.

Section 8. Intent of Policy

- A. It is the intent of this policy to comply with the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time, to allow for a member of the Common Council who is not physically present at a meeting to participate by any electronic means of communication. In the event that I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7 are amended or repealed, then this policy shall be amended to comply with said amended statutory provisions.
- B. This resolution incorporates by reference the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time; however, the more restrictive provisions of this resolution shall govern.

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED by the Goshen Common Council on November ____, 2024.

Gina M. Leichty, Presiding Officer

ATTEST:

Richard Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on November ____, 2024, at _____
a.m./p.m.

Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on November _____, 2024.

Gina M. Leichty, Mayor