

**WASHINGTON TOWNSHIP REGIONAL SEWAGE DISTRICT
RESOLUTION NO. 2014-RS-003**

WHEREAS, the Washington Township Regional Sewage District is subject to the State of Indiana's Open Door Law;

WHEREAS, the Board of Directors has determined it appropriate to formalize its policies with respect to compliance with the Open Door Law ;

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the following policy regarding compliance with the State of Indiana's Open Door Law codified at Ind. Code § 5-14-1.5 *et seq.*;

Section 1. Definitions.

- A. "Board" means the Board of the Washington Township Regional Sewage District.
- B. "Meeting" means a gathering of a majority of the Board for the purpose of taking official action upon public business. It does not include any of the following:
 - i. Any social or chance gathering not intended to avoid application of the Indiana Open Door Law.
 - ii. Any on-site inspection of any: project, program, or facilities of applicants for incentives or assistance from the Board.
 - iii. Traveling to and attending meetings of organizations devoted to betterment of government.
 - iv. A caucus.
 - v. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
 - vi. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.
 - vii. A gathering for the sole purpose of administering an oath of office to an individual.
- C. "Official action" means to:
 - i. receive information;
 - ii. deliberate;
 - iii. make recommendations;
 - iv. establish policy;
 - v. make decisions; or
 - vi. take final action.
- D. "Public business" means any function upon which the sewer district is empowered or authorized to take official action.
- E. "Executive session" means a meeting from which the public is excluded, except the governing body may admit those persons necessary to carry out its purpose.
- F. "Final action" means a vote by the Board on any motion, proposal, resolution, rule, regulation, ordinance, or order.
- G. "Caucus" means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action.
- H. "Deliberate" means a discussion which may reasonably be expected to result in official action.

- I. "News media" means all newspapers qualified to receive legal advertisements under IC 5-3-1, all news services (as defined in IC 34-6-2-87), and all licensed commercial or public radio or television stations.
- J. "Person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

Section 2. Open Meetings. All meetings of the Board shall be open at all times for the purpose of permitting members of the public to observe and record them. A secret ballot may not be taken at a meeting.

Section 3. Memoranda of Meetings. The following memoranda shall be kept at all meetings of the Board and shall be made available on the sewer district's website as soon as possible:

- A. The date, time, and place of the meeting.
- B. The members of the governing body recorded as either present or absent.
- C. The general substance of all matters proposed, discussed, or decided.
- D. A record of all votes taken by individual members of the Board if there is a roll call.

Section 4. Agenda. If the Board uses an agenda it shall be posted at the entrance to the location of the meeting prior to the meeting.

Section 5. Notice of Meetings.

- A. Notice of regular meetings shall be given once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This does not apply to executive sessions.
- B. Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.
- C. The Board shall give public notice of its meetings by posting a copy of the notice at the principal office of the sewer district.
- D. The Board shall give public notice by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the governing body of the public agency. The Board shall give notice by one (1) of the following methods:
 - i. Depositing the notice in the United States mail with postage prepaid.
 - ii. Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.
 - iii. Transmitting the notice by facsimile (fax).
- E. If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened disruption of the Board's provision of sewer services, then the time requirements of notice shall not apply, but:

- i. News media which have requested notice of meetings must be given the same notice as is given to the members of the Board; and
- ii. The public must be notified by posting a copy of the notice at the principal office of the sewer district.

Section 6. Executive Sessions.

A. Executive sessions may be held only in the following instances:

- i. Where authorized by federal or state statute.
- ii. For discussion of strategy with respect to any of the following:
 - a. Collective bargaining.
 - b. Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
 - c. The implementation of security systems.
 - d. The purchase or lease of real property by the Board up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

- iii. For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
- iv. Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, the ports of Indiana, an economic development commission, the Indiana state department of agriculture, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision.
- v. To receive information about and interview prospective employees.
- vi. With respect to any individual over whom the Board has jurisdiction to receive information concerning the individual's alleged misconduct.
- vii. For discussion of records classified as confidential by state or federal statute.
- viii. To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- ix. When considering the appointment of a public official, to do the following:
 - a. Develop a list of prospective appointees.
 - b. Consider applications.
 - c. Make one (1) initial exclusion of prospective appointees from further consideration.
 - d. Notwithstanding IC 5-14-3-4(b)(12), the Board may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An

initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

- x. To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.
- B. A final action must be taken at a meeting open to the public.
- C. Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in this resolution for memoranda and minutes being made available to the public are modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The Board shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.
- D. The Board may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

Section 7. Serial Meetings.

- A. Except as provided in subsection (B), the members of the Board shall not participate in a series of at two or more gatherings of members of the Board if the series of gatherings meets all of the following criteria:
 - i. One (1) of the gatherings is attended by at least three (3) members but less than a quorum of the members of the Board and the other gatherings include at least two (2) members of the governing body.
 - ii. The sum of the number of different members of the governing body attending any of the gatherings at least equals a quorum of the governing body.
 - iii. All the gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days.
 - iv. The gatherings are held to take official action on public business.

For purposes of this subsection, a member of a governing body attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

- B. A gathering under subsection (A) does not include:
 - i. a social or chance gathering not intended by any member of the governing body to avoid the requirements of this chapter;
 - ii. an onsite inspection of any:
 - a. project;
 - b. program; or
 - c. of applicants for incentives or assistance from the Board;
 - iii. traveling to and attending meetings of organizations devoted to the betterment of government;
 - iv. a caucus;

- v. a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources;
- vi. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action;
- vii. a gathering for the sole purpose of administering an oath of office to an individual; or
- viii. a gathering between less than a quorum of the members of the governing body intended solely for members to receive information and deliberate on whether a member or members may be inclined to support a member's proposal or a particular piece of legislation and at which no other official action will occur.

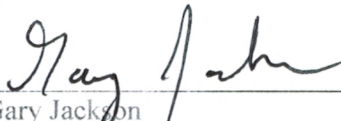
ADOPTED on this 14th day of July, 2014.



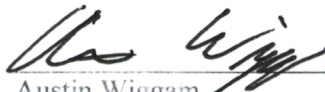
Ronald L. Repp, President



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