

## Resolution 2022-04: Final

### Removal of Taletha Coles as Fairfield Township Trustee.

**Whereas:** In 2022 the Indiana General Assembly passed SEA #304. This created a 4-Step process for the removal of township Trustees who where not performing their duties. It was signed by the Governor in March 2022, and became law on July 1, 2022. - **Attachment 1**

**Whereas:** Under I.C. § 5-11-13-3 reads : A township executive who violates Section 1 of this chapter may also be removed from office by an action under I.C. § 5-8-1-35 that is initiated under I.C. § 36-6-4.5.

**Whereas:** : I.C. § 36-6-4.5-Sec(1) states that, "...a "violation" means a violation set forth in, or a violation of any duty set forth under: (1) : I.C. § 5-8-1-35(a)(1) or I.C. § 5-8-1-35(a)(2).

**Whereas:** I.C. § 5-8-1-35(a)(2) states "...refusing or neglecting to perform the official duties pertaining to the officer's office..."

**Whereas:** I.C. § 36-6-4-Sec(3) states duties that are to be preformed by the Trustee. The duties to be addressed are specifically:

- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.

**Whereas:** I.C. § 5-14- 3-1 states further that "...it is the policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials [...] whose duty it is to provide the information."

**Whereas:** On December 6, 2021, Public Access Counselor (PAC) Luke Britt issued an opinion stating that Trustee Taletha Coles had violated the requirement to keep township records open to inspection by not releasing records to the Journal and Courier when requested. - **Attachment 2**

**Whereas:** On February 28, 2022 PAC Luke Britt issued a letter to state that despite the Indiana State Board of Accounts removing financial documents for their inspection, that still did not relieve the Trustee of her duty of releasing financial documents to whomever requests them. This was in response to a Public Access complaint submitted by Rocky Hession, Fairfield Township Secretary for all Credit Card, Checking and Savings account statements from January 2019 to December 2021. - **Attachment 3**

**Whereas:** It is well within the Trustee's ability to request copies of these documents, unredacted, not only from Sam's Credit Card but the Checking and Savings accounts with First Merchants Bank.

**Whereas:** On April 29, 2022, an order was issued by Tippecanoe Circuit Court Judge Sean Persin. Part 3 of the order stated "The Defendants, Township Trustee Taletha Coles and Fairfield Township, are hereby ordered to immediately produce for inspection and copying all documents subject to Plaintiffs' September 17, 2021 public records request in their entirety without any redactions, modifications or exclusions. – **Attachment 4**

**Whereas:** At this time Fairfield Townships Sam's Club Credit Card Statements for June 2019 and August 2020 have not been received. Attached are copies of Credit Card Statements for March 7, 2019, January 7, 2020 and July 8, 2021. All notations on these statements written by the Trustee or employees of the Township have been redacted, contradictory to the order written by Judge Sean Persin. All other statements received have been similarly changed. **Attachments 5, 6, & 7.**

**Whereas:** At this date, only three out of 36 months of Credit Card Statements , and one month of checking and savings Account statements have been released by the Trustee to the members of the board that requested them.

**Whereas:** These events demonstrate that the credence for the infraction is a result of months of efforts by elected Township Board Members and private individuals to receive information that they were intitled to receive.

**Whereas: :** The Trustee's refusal of not fulfilling her basic duties demonstrates a constant disregard bordering on contempt not only for the persons or agencies who have submitted these requests for information, but for the whole system for which the position of trustee has been created by and beholden to for its existence.

**Whereas:** In addition the Township has and is incurring unnecessary legal expenses defending the Trustee against a lawsuit that should/would not have happened if the trustee had been performing the job that she promised.

**Whereas:** This Trustee has shown through the contempt directed towards the board and its duties, public demonstrations, comments, and actions, and inability and/or unwillingness to fulfill the duties that were promised to the constituents that we serve. We, the members of the Fairfield Township Board, must take these actions to seek the removal of Taletha Coles as Fairfield Township Trustee.

### **Therefore be it resolved:**

- 1) That the Fairfield Township Board Finds that Fairfield Township Trustee is currently in Violation of I.C. § 36-6-4-3
- (3) Keep Township Records open for public inspection

2) As a result of the incomplete financial documents and unverified tracking of financial information by neglect, whether intentional or not, the trustee is also in Violation of I.C. § 36-6-4-3

(2) Manage all township property interests.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

3) As a result these violations The Trustee is guilty of violating I.C. § 5-8-1-35 (a)  
(2) refusing or neglecting to perform the official duties pertaining to the Officer's office

4) And as a result is subject to I.C. § 36-4-4.5 – Removal of Office.

Finally, it is the Judgement of the Fairfield Board that Taletha Coles has forfeited her office by repeated either/both willful or unintentional neglect of her duties and should be removed .

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Perry Schnarr – Board President

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Rocky Hession – Board Secretary

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Monica Casanova – Board Member