



Special Meeting: Wednesday, August 31st, 2022 at 1:00 pm

**Tippecanoe Room, Tippecanoe County Office Building
20 N 3rd Street, Lafayette, Indiana**

AGENDA

Public comment on agenda items may be submitted prior to the meeting at commissioners@tippecanoe.in.gov. Comments must include Name and Address. Members of the public may watch the live stream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana/> and <https://www.youtube.com/channel/UCJleeA9ZQo9EIIgDzTdjurQ/featured>

I. PLEDGE OF ALLEGIANCE

II. RESOLUTION - RES-2022-33-CM - REMOVAL OF TALETHA COLES AS FAIRFIELD TOWNSHIP TRUSTEE

Documents:

RESOLUTION 2022-33-CM IN FAVOR OF REMOVING TRUSTEE.PDF

III. PUBLIC COMMENT

Public comment on agenda items may be submitted prior to the meeting by sending an email to commissioners@tippecanoe.in.gov. Comments must include Name and Address to be heard. Members of the public may watch the live stream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/c/TippecanoeCountyGovernment>.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Tippecanoe County Government will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada

RESOLUTION NO. 2022-33-CM
RESOLUTION IN SUPPORT OF REMOVAL
OF THE FAIRFIELD TOWNSHIP TRUSTEE

WHEREAS, on July 27, 2022, the Township Board of Fairfield Township in Tippecanoe County, Indiana adopted its Resolution 2022-04 (“Fairfield Resolution”) calling for the removal of Taletha Coles as the Fairfield Township Trustee under IC 5-8-1-35; and

WHEREAS, the Fairfield Resolution was filed with the Board of Commissioners of Tippecanoe County on July 29, 2022; and

WHEREAS, the Board of Commissioners of Tippecanoe County held a public hearing on the removal of the Fairfield Township Trustee on August 15, 2022; and

WHEREAS, the Board of Commissioners received testimony from the public, considered emails from concerned citizens, and reviewed the resolution provided by the Fairfield Township Board;

NOW THEREFORE BE IT RESOLVED pursuant to IC 36-6-4.5-5 that the Board of Commissioners of Tippecanoe County hereby determines that Taletha Coles has committed violations within the meaning of IC 36-6-4.5-1 and should be removed as the Fairfield Trustee by operation of IC 5-8-1-35 for refusing or neglecting to perform the official duties pertaining to the office of trustee and for violating IC 36-6-4-17(b) prohibiting personal use of township funds without prior approval by the legislative body of the township; and in support of this determination the Board of Commissioners hereby sets forth a summary of the underlying facts supporting its finding:

1. IC 5-8-1-35 (“the Removal Statute”) was initially adopted by the Indiana General Assembly as Section 35 of the “Impeachment Act of 1897.” In that form, it sanctioned removal of an official for charging or collecting illegal fees or refusing or neglecting to perform official duties.
2. The Removal Statute was codified as part of the Indiana Code as IC 5-8-1-35 and, in 1992, was amended to add as an additional ground for removal that of violating IC 36-6-4-17(b) which prohibits “personal use of township funds without prior approval by the legislative body of the township” subject to limited exceptions.
3. Taletha Coles took the office of Fairfield Township Trustee on January 1, 2019.
4. The Removal Statute, the prohibition on personal use of township funds, and the duties imposed on township trustees in the state of Indiana that Ms. Coles refused or neglected to perform were all in effect prior to January 1, 2019.
5. Effective July 1, 2022, the General Assembly adopted SEA 304-2022 (signed into law as P.L. 24-2022) which added a new method for initiating proceedings under the Removal Statute. Such proceedings may be initiated by a resolution of the Township

Board followed by resolutions of the County Board of Commissioners and the County Council. The finding and statement of underlying basic facts supporting the finding must be identical in both the Commissioner and the Council resolutions.

6. On July 29, 2022, the Fairfield Township Board adopted the Fairfield Resolution, calling for the removal of Coles as Township Trustee citing her failure to manage township property interests, keep township records open for public inspection, receive and pay out township funds, and examine and settle all accounts and demands chargeable against the township. The findings in the Fairfield Resolution are hereby adopted by reference.
7. Credible testimony indicates that Ms. Coles has made personal use of township funds contrary to the requirements of IC 36-6-4-17(b), with such personal use alleged to include:
 - a. Purchase of a fox stole;
 - b. Purchase of a comforter for a family member;
 - c. Purchase of lawn and garden supplies for personal use;
 - d. Purchase of personal meals (unrelated to seminars or conferences under IC 36-6-4-17(b)(2)(B)), and
 - e. Purchase of spa treatment.

This list is likely incomplete due to Ms. Coles' refusal or inability to provide detailed financial records to the Township Board and others. The credit card statements that were provided to the Township Board include charges to companies such as Gaia, Inc., Mindvalley LC, Clickbank, and Ultimate Mastery San Diego, the relationship of which to Township business is not readily apparent.

8. Credible testimony indicates that in early 2020, Rural King contacted a Township Board member about an attempt by Ms. Coles to have a purchase on the Township credit card refunded to a card that did not belong to the Township. Due to the inquiries made by Rural King and the store's policies, the attempt was ultimately unsuccessful.
9. Credible testimony indicates that Ms. Coles has refused or neglected to perform duties of the office, including:
 - a. Failure to file the budget adopted by the township board with the Department of Local Government Finance as required under IC 6-1.1-17-5(d). Fairfield Township's budgets for 2021 and 2022 were not filed with the Department.
 - b. Failure to keep township records open for public inspection as required by IC 36-6-4-3(3). Numerous requests for financial records of the township were ignored, delayed, or provided in an incomplete fashion. The Fairfield Resolution describes a request from the Lafayette Journal and Courier that was not honored and led to litigation. It also describes a request from Board Member Rocky Hession for thirty-six months of credit card and checking and savings account statements from January 2019 to December 2021 of which only three months of credit card statements and one month of checking and savings accounts statements have been provided.

- c. Failure to maintain the financial and appropriation record of the township with an itemized and accurate account of the township's financial affairs as required by IC 36-6-4-5. IC 36-6-4-6 specifies that, for each sum of money paid by the executive, the financial and appropriation record must show the date the sum was paid, to whom it was paid, from what account it was paid, and why it was paid. The trustee has failed or refused to provide the Township Board or those making public records request with proper accounts of the Township's finances which would allow the Board and the public to determine how the Township's money is being spent.
- d. Failure to manage township property interests as required by IC 36-6-4-3(2). The Trustee has either withheld, destroyed, lost, or allowed Township financial records to be destroyed, any of which constitutes a failure to manage such property.

BE IT FURTHER RESOLVED by the Board of Commissioners that this resolution shall, pursuant to IC 36-6-4.5-7, be certified to the Tippecanoe County Council, the Fairfield Township Board, the Fairfield Township Trustee, and the Clerk of the Circuit Court of Tippecanoe County within ten (10) days of adoption.

Duly adopted this _____ day of _____, 2022.

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

David S. Byers, President

Tracy A. Brown, Vice-President

Thomas P. Murtaugh, Member

ATTEST:

Robert Plantenga, Auditor of Tippecanoe County