

TOWN OF LAPEL PUBLIC MEETING POLICY

1. Purpose and Authority

The Town of Lapel adopts this Public Meeting Policy to ensure compliance with Indiana's Open Door Law and to provide clear, reasonable rules for conducting orderly public meetings while permitting members of the public to observe, record, and, when allowed, provide comment.

"[A]ll meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them." I.C. § 5-14-1.5-2(a).

Effective July 1, 2024, a governing body may adopt reasonable rules governing meeting conduct, designate public comment periods and time limits, provide a warning procedure for disruptions, and direct removal of attendees who violate adopted rules. I.C. § 5-14-1.5-3.3(d)-(h).

2. Definitions

- 2.1 Governing Body. "Governing body" means two or more individuals that compose a board, commission, authority, council, committee, or other entity that takes official action on public business. I.C. § 5-14-1.5-2 (b).
- 2.2 Official Action. "Official action" includes receiving information, deliberating, making recommendations, establishing policy, making decisions, or taking final action. I.C. § 5-14-1.5-2 (d).
- 2.3 Public Business. "Public business" means any function on which the public agency is empowered or authorized to take official action. I.C. § 5-14-1.5-2 (e).
- 2.4 "Disturbance" means conduct by any person during a public meeting that materially disrupts, impedes, or delays the orderly transaction of the meeting's business after a clear warning to desist. "Disturbance" is limited to non-expressive or conduct-based interference and does not include speech or expressive activity based solely on its viewpoint, content, or the discomfort it may cause others.

For purposes of this definition, conduct constitutes a "Disturbance" only when, in the reasonable judgment of the presiding officer, and after at three warnings identifying the specific behavior at issue:

- a. The person substantially interrupts recognized speakers or the proceedings by continuing to speak out of turn, shouting, chanting, or otherwise vocally overpowering the floor after their allotted time has expired; or

- b. The person engages in persistent, loud, or repetitive noise, use of sound-amplifying devices, or other behavior that materially interferes with the ability of participants or the audience to hear, be heard, or proceed; or
- c. The person refuses to comply with neutral, uniformly applied time, place, and manner rules of the meeting, including rules governing speaking turns, time limits, decorum, or the use of signage or objects, and such refusal materially disrupts the meeting; or
- d. The person engages in threats of imminent violence, true threats, physical intimidation, fighting, or disorderly physical conduct, or otherwise violates law, such that continuation of the meeting is impeded; or
- e. The person physically obstructs ingress, egress, aisles, or access to the dais, staff areas, or facilities in a manner that delays or halts the meeting.

Enforcement of this definition shall be content- and viewpoint-neutral, narrowly tailored to address only the disruptive conduct, and shall preserve reasonable alternative channels for expression. Removal from a meeting for a "Disturbance" shall occur only when lesser measures, including a clear warning and an opportunity to comply, would be inadequate to restore order. Nothing in this definition limits the Town's ability to enforce applicable Indiana statutes or local ordinances concerning public meetings and public order.

3. Open Meetings; Observation and Recording

- 3.1 Meetings Open to the Public. All meetings of Town of Lapel governing bodies are open to the public to observe and record, except as otherwise permitted by law. I.C. § 5-14-1.5-2(a).
- 3.2 Recording. Members of the public may observe and record open meetings, subject to reasonable rules necessary to maintain order and conduct business. I.C. § 5-14-1.5-2(a); I.C. § 5-14-1.5-3.3(e)(2).

4. Notice of Meetings

- 4.1 Compliance with Open Door Law. The Town shall provide notice of meetings in the manner and within the timeframes required by the Indiana Open Door Law. [reference to Open Door Law generally].
- 4.2 Meeting Agenda Availability. When an agenda is used, the Town will make the agenda available consistent with the Open Door Law requirements. [reference to Open Door Law generally].

5. Public Participation

- 5.1 Discretion to Allow Oral Comment. If a governing body allows attendees to speak on a topic, it may designate a period for public testimony (a) before or during discussion or consideration of the topic, and (b) before taking final action on the topic. I.C. § 5-14-1.5-3.3(d)(1)(A)-(B).

- 5.2 Time Limits. The governing body may set reasonable time limits for each speaker and/or for a public comment period. I.C. § 5-14-1.5-3.3(d)(2), (e)(1).
- 5.3 Topic Relevance and Order. The presiding member may require speakers to confine remarks to the noticed agenda item during designated comment periods, consistent with reasonable steps to maintain order. I.C. § 5-14-1.5-3.3(e)(2).
- 5.4 Equal Opportunity and Latitude for Criticism. The policy shall be implemented to provide considerable latitude for criticism of government officials and policies, consistent with the First Amendment and Article 1, Section 9 of the Indiana Constitution.

6. Rules of Decorum and Conduct

- 6.1 General Conduct Expectations. Attendees must not disrupt the meeting, speak out of turn, or prevent the governing body from conducting business. Reasonable steps may be taken to maintain order with respect to attendees and elected officials. I.C. § 5-14-1.5-3.3(e)(2).
- 6.2 Warning Procedure. The presiding member may issue warnings to attendees who disrupt the meeting. After three warnings for violations of adopted meeting rules, the presiding member may direct the attendee to leave; if the attendee refuses, the presiding member may direct a law enforcement officer to remove the attendee. I.C. § 5-14-1.5-3.3(e)(3)(A)-(B).
- 6.3 Immediate Removal. Nothing in this policy prohibits immediate removal by law enforcement if necessary to maintain order or ensure the safety of another person, if an attendee commits a criminal offense, or if an attendee violates adopted rules. I.C. § 5-14-1.5-3.3(g)(1)-(3).
- 6.4 Criminal Conduct Reference. Disrupting a lawful assembly, refusing to leave upon lawful direction, forcibly resisting law enforcement, or communicating true threats may constitute criminal offenses under Indiana law, subject to constitutional limits. [Disorderly Conduct, I.C. § 35-45-1-3; Criminal Trespass, I.C. § 35-43-2-3; Resisting Law Enforcement, I.C. § 35-44.1-3-1 ; Intimidation, I.C. § 35-45-2-1].

7. Notice of Rules to Attendees

- 7.1 Posting or Announcement. The Town will notify attendees of these rules by either (a) posting the rules in a visible area at the entrance to the meeting location, or (b) making an announcement of the rules at the meeting before taking oral public comment. I.C. § 5-14-1.5-3.3(f)(1)-(2).

8. Role of Law Enforcement

- 8.1 Attendance and Execution of Orders. The presiding member may request law enforcement presence. Law enforcement may remove individuals as directed

under this policy or as otherwise permitted by law, including immediate removal under Section 6.3. I.C. § 5-14-1.5-3.3(e)(3), (g).

- 8.2 Municipal Agencies. There are no specific statutes for municipal law enforcement agencies with respect to public meetings; removal authority in this policy is derived from I.C. § 5-14-1.5-3.3 and general law.

9. Presiding Member Responsibilities

- 9.1 Order of Proceedings. The presiding member shall open the meeting, confirm quorum, manage the agenda, recognize speakers, and enforce time limits and decorum consistent with this policy and I.C. § 5-14-1.5-3.3.
- 9.2 Warnings and Removal. The presiding member shall issue warnings for disruptions and may direct removal after three warnings, subject to immediate removal provisions. I.C. § 5-14-1.5-3.3(e)(3), (g).

10. Speaker Procedures

- 10.1 Sign-up. When public comment is allowed, speakers may be required to sign in with name, municipality of residence, and topic to facilitate orderly comment within designated periods and time limits. I.C. § 5-14-1.5-3.3(d)-(e).
- 10.2 Time Allotment. Unless otherwise announced, individual comments are limited to [three (3)] minutes, with an overall public comment period of [thirty (30)] minutes, subject to adjustment by the presiding member to ensure fairness and completion of business. I.C. § 5-14-1.5-3.3(d)(2), (e)(1).
- 10.3 Decorum. Speakers shall address the presiding member, avoid interrupting others, and refrain from conduct that disrupts the meeting; robust criticism of officials and policies is permitted within these orderly procedures.

11. Content Neutrality; Constitutional Protections

- 11.1 Content-Neutral Enforcement. Rules are applied without regard to viewpoint or content, and are limited to reasonable time, place, and manner restrictions necessary to conduct business. I.C. § 5-14-1.5-3.3(e)(1)-(2).
- 11.2 Free Speech Considerations. The policy shall be implemented to avoid stifling legitimate debate, recognizing that public comment may be critical, vehement, caustic, and sometimes unpleasantly sharp, consistent with the First Amendment and Article 1, Section 9.

12. Removal Procedure

- 12.1 Basis for Warnings. Disruptions include, without limitation: speaking out of turn after instruction, exceeding time limits after instruction, persistent

interruption, or behavior preventing the conduct of business. I.C. § 5-14-1.5-3.3(e)(2)-(3)

- 12.2 Issuing Warnings. The presiding member will issue up to three warnings identifying the specific conduct at issue. Upon the third warning, the presiding member may direct the attendee to leave. I.C. § 5-14-1.5-3.3(e)(3)(A).
- 12.3 Law Enforcement Removal. If the attendee refuses to leave when directed, the presiding member may direct a law enforcement officer to remove the attendee. I.C. § 5-14-1.5-3.3(e)(3)(B).
- 12.4 Immediate Removal. Immediate removal by law enforcement is permitted if necessary to maintain order or safety, if a criminal offense is committed, or for violations of adopted rules. I.C. § 5-14-1.5-3.3(g).

13. Potential Criminal Implications (Advisory)

- 13.1 Disorderly Conduct. Disrupting a lawful assembly, making unreasonable noise after being asked to stop, or engaging in tumultuous conduct may constitute disorderly conduct; constitutional protections for political speech apply and require particularized harm beyond mere annoyance. I.C. § 35-45-1-3; Price; Johnson.
- 13.2 Criminal Trespass. Refusing to leave after a lawful directive by the presiding member or law enforcement may constitute criminal trespass, subject to Article 1, Section 9; after three warnings and a directive to leave, a trespass charge is more likely to withstand challenge. I.C. § 35-43-2-3.
- 13.3 Resisting Law Enforcement. Forcibly resisting removal may constitute resisting law enforcement; "forcibly" includes pulling away or stiffening arms when being handcuffed. I.C. § 35-44.1-3-1; case law cited.
- 13.4 Intimidation. Communicating a true threat, including threats to commit a forcible felony, injure persons, damage property, or cause evacuation, may constitute intimidation; prosecutions based solely on ridicule or reputational harm to public officials implicate the actual malice standard and are "all but impossible." I.C. § 35-45-2-1; Brewington.

14. Accessibility and Accommodations

- 14.1 Accessibility. The Town will administer meeting procedures in a manner that provides reasonable accommodation consistent with applicable law. [general statement; consistent with open meetings principles].

15. Posting, Distribution, and Effective Date

- 15.1 Posting and Announcement. The Town shall (a) post this policy at the entrance to the meeting location in a visible area, or (b) announce these rules at the meeting before taking oral public comment. I.C. § 5-14-1.5-3.3(f).
- 15.2 Effective Date. This policy takes effect on [effective date to be determined] upon adoption by the Town Council of Lapel. [effective date placeholder].

16. Amendments

- 16.1 Amendments. The Town may amend this policy consistent with I.C. § 5-14-1.5-3.3 to ensure reasonable, content-neutral rules that preserve public participation and maintain order.

17. Severability

- 17.1 Severability. If any provision of this policy is held invalid, the remaining provisions shall remain in effect to the fullest extent permitted by law. [standard severability clause].

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