

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE HUNTINGTON COUNTY BOARD OF COMMISSIONERS ESTABLISHING A POLICY FOR RECORDINGS AT PUBLIC MEETINGS.

WHEREAS, Indiana Code § 36-1-3 *et seq.* grants a county the authority to exercise any powers for the effective operation of government as to local affairs;

WHEREAS, subject to certain statutory exceptions, Indiana Code § 5-14-1.5-3(a) requires that all meetings of the governing bodies of public agencies are open at all times for the purpose of permitting members of the public to observe and record them;

WHEREAS, Indiana Code § 5-14-1.5-3(e) explicitly provides that nothing in Indiana's Open Door Law (the "Act") prohibits a governing body from taking reasonable steps to maintain order in meetings, including removal of any willfully disruptive person;

WHEREAS, Indiana Code § 5-14-1.5-3.3(e)(2) authorizes a governing body to adopt reasonable rules or polices to govern the conduct of meetings, including reasonable steps to maintain order therein;

WHEREAS, Indiana Code § 5-14-1.5-3.3(e)(3) authorizes a governing body to adopt reasonable rules or polices to govern the conduct of meetings, including procedures by which the presiding member of a governing body may issue a warning to attendees who disrupt meetings, and after such a warning, allow the presiding member of a governing body to direct: (A) an attendee to leave a meeting; and (B) a law enforcement officer to remove an attendee from a meeting, if said attendee refuses to leave after being so directed for violating the rules or policies which govern the conduct of meetings;

WHEREAS, Indiana Code § 36-2-2-30 authorizes a governing body to employ an attorney to represent and advise the governing body;

WHEREAS, pursuant to Indiana Code § 34-46-3-1(1), communications made to an attorney, by his/her client, in the course of said attorney's professional business and representation, are privileged; and

WHEREAS, it is in the best interest of Huntington County, Indiana (the "County") for its Board of Commissioners (the "Board") to adopt a policy consistent with the Act, and all other applicable provisions of Indiana law, that ensures the productive, efficient, orderly, and civil conduct of all meetings of the Board, and that safeguards any privileged attorney-client communications that may arise during such meetings.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Huntington County, Indiana, as follows:

1. **DEFINITIONS**. The following definitions shall apply throughout this Ordinance:

- a) "Recording Device" shall include, but not be limited to, a microphone, recorder, video camera, cellphone, or any other device capable of enabling the recording or transmission of motion picture and/or audio.
- b) "Attendee" shall refer to any person(s) of the general public, irrespective of whether such person(s) is associated with any news media outlet.
- c) "On their person" shall mean on or about an Attendee's body or clothing, or in any purse, backpack, bag, or other carrier held by the Attendee or under the Attendee's direct and immediate control.
- d) "Board" shall refer to the active members of the Huntington County Board of Commissioners, whose terms are still valid and current.
- e) "County Attorney(s)" shall refer to the attorney(s) retained and employed by the County to represent and advise its officers and executives, pursuant to Indiana Code § 36-2-2-30.
- f) "Law enforcement officer" shall have the meaning defined in Indiana Code § 35-31.5-2-185.
- g) "Meeting" shall have the meaning defined in Indiana Code § 5-14-1.5-2.

2. **AUTHORITY** This Ordinance is adopted pursuant to the authority granted under Indiana Code §§ 36-1-3 *et seq.*, 5-14-1.5 *et seq.*, and all other applicable laws.

3. **POLICY** The Board is committed to conducting all of its Meetings in a productive, efficient, orderly, and civil manner, while also safeguarding privileged attorney-client communications that may arise during such Meetings. In furtherance thereof, and in continuance of the effective operation of county government, the Board shall adopt the following policy to be followed at all Meetings, by all Attendees:

- a) While Attendees are permitted to record Meetings, despite the Board's routine livestream of Meetings and archival of such livestreams publicly online, Attendees shall not, under any circumstance, physically approach members of the Board with a Recording Device, while the Board is conducting said Meetings.
- b) Attendees shall keep their Recording Device directly on their person or place such Recording Device upon the guest podium but may not place a device on the table and/or direct area at which the Board and/or its County Attorney(s) sit during Meetings.
- c) Attendees may not leave Recording Devices in the room if they are not present.
- d) In the event an Attendee violates any of the aforementioned policies, or is otherwise disruptive or disorderly at a Meeting, the Attendee shall receive one

(1) verbal warning from the presiding member of the Board. Subsequently, if the Attendee continues to violate any of the aforementioned policies, or continues to otherwise act disruptive or disorderly, the presiding member of the Board may direct: (1) the Attendee to leave the Meeting; and/or (2) a law enforcement officer to remove the Attendee from the Meeting.

- e) The presiding member of the Board may also:
 - i. Call for the recess or adjournment of a Meeting to another time when an Attendee's behavior is so disruptive and disorderly so as to interfere with the productive, efficient, orderly, and civil conduct of a Meeting.
 - ii. Waive these policies with the approval of the remaining members of the Board, when necessary for the administration of the Board's business.
4. **NOTICE**. Pursuant to Indiana Code § 5-14-1.5-3.3(f), the Board will notify Attendees of the policies adopted herein before each Meeting, by: (1) posting these policies in a visible area near the entrance of the Meeting location; or (2) making an announcement of these policies at the Meeting's commencement.
5. **LAW ENFORCEMENT AUTHORITY**. Pursuant to Indiana Code § 5-14-1.5-3.3(g), nothing in this Ordinance, nor the specific policies adopted herein, shall be construed to prohibit a law enforcement officer from immediately removing an Attendee from a Meeting if: (1) removal of the Attendee is necessary to maintain order or ensure the safety of others; or (2) the Attendee commits a criminal offense.
6. **EFFECTIVE DATE**. This Ordinance shall be in full force and effect upon its passage and approval.

This Resolution was adopted on January 12, 2026. A signed physical copy of this document is available by request in the Commissioners' Office located at 201 North Jefferson Street Huntington, Indiana