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TOWN OF WHITESTOWN, INDIANA
RESOLUTION NO. 2016-31

A RESOLUTION CONCERNING A POLICY FOR SENDING FORMAL RECORDS REQUESTS AND OTHER LEGAL PROCESS ON BEHALF OF WHITESTOWN

WHEREAS, the Town of Whitestown, Indiana ("Whitestown" or "Town"), its boards, commissions, employees, and other officials, send formal records requests to other government agencies and other similar legal process from time to time; and

WHEREAS, the Whitestown Town Council ("Town Council") desires to adopt and implement a centralized policy for sending such formal communications; and

WHEREAS, the policy will help ensure that formal records requests and process are consistent with the interests and policies of the Town.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

1. Prior to sending a formal public records requests or other legal process on behalf of the Town, or on behalf of any Town agency, board, or commission, the individual or body desiring to send such correspondence shall first obtain the written or verbal approval of both the Town Council President and the Town Council Vice President, or his/her respective designee(s). For purposes of this policy, legal process includes all formal correspondence of a legal nature requiring or directing action from a third party, including but not limited cease and desist letters and other similar documents.

2. In obtaining such approval, the individual or body desiring to send such correspondence shall provide sufficient information concerning the records sought, action desired, and the purpose and intent of the formal communication. The Town Council President and/or Town Council Vice President may require such other information, consult with legal counsel, or take such action on the correspondence as he/she determines to be appropriate in their discretion.

3. This policy shall not apply in cases of emergency, when immediate action is necessary, where required by law, or correspondence related to ongoing legal proceedings to which the Town Council or Town Council President has previously been advised and consulted.

4. The Town Council President may require the applicable individual or body to withdraw correspondence that fails to comply with this policy, and the individual or body may further be subject to discipline.

5. All communications relating to consultation and approval pursuant to this policy shall be considered deliberative material, privileged, and/or work-product material that is confidential and not subject to disclosure.

6. This Resolution shall not create any interest in any third party or the recipient of any such records request or legal process from the Town, nor relieve any person from any legal obligation related to the same.

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7. The terms, paragraphs, sentences, words, policies, and procedures of this Resolution are separable, and if a court of competent jurisdiction hereof declares any portion of this Resolution unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.

8. This Resolution is effective immediately upon its passage. The Town Manager is directed to provide notice to all Whitestown employees, boards, commissions, departments, and agencies of the adoption of this Resolution no later than June 30, 2016.

PASSED AND ADOPTED BY THE WHITESTOWN, INDIANA, TOWN COUNCIL THIS 15th DAY OF June, 2016.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice-President	Yes.
Kevin Russell	
Clinton Bohm	Yes
Jeffrey Wisnek	YES

ATTEST:

Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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