

Open Door Law

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Open Door Law “ODL” (IC 5-14-1.5-1 et seq.)

- In enacting this chapter, the general assembly finds and declares that this state and its political subdivisions exist only to aid in the conduct of the business of the people of this state.

Open Door Law – Public Policy

- “...It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed...” IC 5-14-1.5-1.

Basic Requirement

- All 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. (IC 5-14-1.5-3)

Key Concepts

- Public Agency
- Governing Body
- Meeting
- Official Action
- Public Business

Public Agency

- Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.

Governing Body

- "Governing body" means two or more individuals who are any of the following:
- A public agency that is a board, a commission, an authority, a council, a committee, a body, or other entity and takes official action on public business.

Governing Body

- The board, commission, council, or other body of a public agency which takes official action upon public business.

Governing Body

- Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated.

Meeting

- A gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business.

Exceptions

- Any social or chance gathering not intended to avoid the requirements of the ODL.
- Any on-site inspection of any:
- project; program; or facilities; of applicants for incentives or assistance from the governing body.

Exceptions

- Traveling to and attending meetings of organizations devoted to betterment of government.
- A caucus.

Exceptions

- A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.

Exceptions

- An orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action.
- A gathering for the sole purpose of administering an oath of office to an individual.

Official Action

- receiving information;
- deliberating;
- making recommendations;
- establishing policy;
- making decisions; or
- taking final action.

Public Business

- Any function upon which the public agency is empowered or authorized to take official action.

Requirements for Public Notice

- Public notice of the date, time, and place of any meeting shall be given at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting.

Notice Requirement

- Notice is posted at governing body's principal office or at the location of the meeting.
 - Notices of open meetings are not required to be published under the ODL.

Notice to Media

- The governing body must deliver public notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year.

Notice to Media

- The governing body shall give notice by:
 - Depositing the notice in the United States mail with postage prepaid. (
 - Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.
 - Transmitting the notice by facsimile (fax).

Emergency Meeting

- 48 hours requirement does not apply to an emergency (involving actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event.)

Administrative Functions

- 48 hours requirement does not apply to a meeting of the board of commissioners held solely to carry out the administrative functions related to the board's executive powers.
- "Administrative functions" means only routine activities that are reasonably related to the everyday internal management of the county including conferring with, receiving information from, and making recommendations to staff members and other county officials or employees.

Additional Notice Requirements

- Notice of special meetings of board of commissioners must be given 48 hours in advance and notice must include the specific purpose for which the special meeting is called. (IC 36-2-2-8).
- Notice of special meetings of county council must be delivered to each council member at least 48 hours before the meeting and be published in the newspaper(s) in which the county publishes notices at least 24 hours prior to meeting. (IC 36-2-3-7).

Additional Notice Provisions

- Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed.

Executive Sessions

- An executive session is a meeting of the governing body from which the public is excluded. The governing body may admit persons necessary to carry out its purpose.
- The governing body may also admit an individual who has been elected to the governing body but has not been sworn in as a member of the governing body.

Executive Session Purposes

- Limited to specific statutory exceptions from the requirement for open meetings.
- 48 hours posting requirement applies.
- Notice must specifically enumerate, by reference to the specific statutory purpose or purposes for which the executive session is held.

Executive Session Requirements

- Memoranda or minutes must include certification that the listed exception(s) was all the meeting involved and that no other purposes were included.
- No final action – no vote – may be taken in an executive session.

Common Executive Session Purposes

- To discuss:
- records classified as confidential by state or federal statute.
- the alleged misconduct of an employee.
- strategy with respect to pending litigation or litigation threatened in writing, including administrative action.
- To receive information and interview prospective employees.

Public Meetings in a Public Health Emergency