

September 6, 2007

Richard Volbrecht  
9221 Parkway Drive  
Highland, Indiana 46322

*Re: Formal Complaint 07-FC-244; Alleged Violation of the Open Door Law by the Highland Police Commission*

Dear Mr. Volbrecht:

This is in response to your formal complaint alleging the Highland Police Commission (“Commission”) violated the Open Door Law (“ODL”) (Ind. Code §5-14-1.5) by not creating a meeting memoranda for any of its study sessions. A copy of the Commission’s response is enclosed for your reference. I find that it is a violation of the ODL for the Commission to fail to create the meeting memoranda and that the new form the Commission has created on which to create memoranda is a good start but needs some additional information.

#### BACKGROUND

In your complaint you allege that the Commission has not created meeting memoranda for any of its study sessions since 1977. You filed your complaint on August 14 after submitting a request to the Commission for a copy of the memoranda of meetings held from January 2006 through August 2007. You allege the clerk told you memoranda are not created.

The Commission responded to your complaint on August 15 by letter from attorney Rhett Tauber, agreeing it has overlooked the requirement in the ODL that it prepare memoranda of study sessions. The Commission indicates from now forward it will create the memoranda. The Commission enclosed a copy of the form it intends to use.

#### ANALYSIS

It is the intent of the Open Door Law 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. I.C. §5-14-1.5-1. Except as provided in section 6.1 of the Open Door Law, 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. I.C. §5-14-1.5-3(a).

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.
- (2) The members of the governing body recorded as either present or absent.
- (3) The general substance of all matters proposed, discussed, or decided.
- (4) A record of all votes taken, by individual members if there is a roll call.
- (5) Any additional information required under I.C. §5-1.5-2-2.5 or I.C. §20-12-63-7.

(c) The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public of the governing body's proceedings. The minutes, if any, are to be open for public inspection and copying. I.C. §5-14-1.5-4.

Here the Commission admits it has not kept memoranda of study sessions, which is a violation of the ODL. I.C. §5-14-1.5-4. To remedy this violation, the Commission has included a copy of the form it will use in the future for study sessions. The form includes spaces for most of the information required to be kept, but I would advise the Commission that there is not a space for place of the meeting or for a record of all votes taken. I.C. §5-14-1.5-4. If the Commission adds those items to the memoranda and keeps memoranda for every meeting, it is my opinion the Commission will be in compliance with the ODL in the future.

#### CONCLUSION

For the foregoing reasons, I find that it is a violation of the ODL for the Commission to fail to create the meeting memoranda and that the new form the Commission has created on which to create memoranda is a good start but needs some additional information.

Best regards,



Heather Willis Neal  
Public Access Counselor

cc: Rhett Tauber