



STATE OF INDIANA

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December 31, 2014

Ms. Jean Johannigman
136 West Central St.
Greensburg, IN 47240

Re: Formal Complaint 14-FC-290; Alleged Violation of the Open Door Law by the City of Greensburg

Dear Ms. Johannigman,

This advisory opinion is in response to your formal complaint alleging the City of Greensburg ("City"), violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.* The City has responded to your complaint via Mayor Gary Herbert. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor December 1, 2014.

BACKGROUND

Your complaint dated November 25, 2014, alleges the City of Greensburg violated the Open Door Law (Ind. Code § 5-14-1.5 *et. al.*) by failing to amplify the audio of public meetings.

You allege the meetings of the City's various boards, councils and a commission suffers from an underperforming electronic amplification system. You regularly record the meetings and post them on YouTube, yet several of your viewers have complained about the quality of the videos. You also suggest you also witnessed a council person turn the microphone away from her during a meeting presumably so any recording could not pick up what she was saying.

The City responded by arguing the speaker system was purchased to augment the sound of the council members in the meeting and was not intended to necessarily facilitate a recording process.

ANALYSIS

It is the intent of the Open Door Law (ODL) 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. See Ind. Code § 5-14-1.5-1. Accordingly, except as provided in section 6.1 of the ODL, 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. See Ind. Code § 5-14-1.5-3(a).

While there is an inherent right of the audience of a public meeting to record it, there is no obligation on the part of the governing body to ensure audience members' equipment can successfully upload it clearly on the Internet. While amplification systems are not required by law, it stands to reason the conversation regarding public business should be heard by the interested members of the public in attendance. I have personally visited the Greensburg Town Hall and the council room is not so large the average person would not be able to hear the council's conversation without amplification.

I counsel public officials that their conversations should be reasonably projected so as to make their conversations audible. Muffled or muted discussions of public business are contrary to the spirit of the Open Door Law. *With the exception of the council person turning away a microphone*, you have not alleged the dialogue of the meeting is intentionally lowered or silenced. You do not allege they speak in hushed tones or demonstrate intent to obfuscate the proceedings.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the City of Greensburg did not violate the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to be 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Mayor Gary Herbert