



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
Toll Free: 1-800-228-6013
Email: pac@in.gov/opac@in.gov
Website: www.IN.gov/pac

ANALYSIS

The policy of the Open Door Law (“ODL”) states that 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*. Put differently, the ODL presumes that a meeting by a public agency conducting the business of the people *must* be open for the public to “observe and record them.” *Ind. Code § 5-14-1.5-3(a)*.

Ind. Code § 5-14-1.5-5 provides the mechanisms for posting notice of the meeting. All that is required for a regular public meeting is the date, time and location of the meeting to be posted at the meeting location. Internet notice is not required for meetings of a local governing body and notice to media (but not publication of notice) is only required if the media requests individual notification before the first of the year.

Notice of certain public *hearings* require newspaper publication but not meetings. Those hearings are for specific subject matters (property tax appeals, annexations, passages of ordinances and budgets, etc.) but not regular meetings. To that end, the Complainant has not provided any substantive evidence or a presumption that the HPPA is in non-compliance with the Open Door Law.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Hoosier Heritage Port Authority has not violated the Open Door Law.

Regards,

Luke H. Britt

A handwritten signature in black ink, appearing to read "LHB", written over a white background.

Public Access Counselor

Cc: Ms. Anne Hensley Poindexter, Esq.