



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
Website: www.IN.gov/pac

OPINION OF THE PUBLIC ACCESS COUNSELOR

RESPONSIBLE HARVEST OF CLINTON COUNTY)	
)	
Complainant)	
)	
v.)	17-FC-68
)	
CLINTON COUNTY GOVERNMENT)	
)	
Respondent)	

ADVISORY OPINION May 2, 2017

This advisory opinion is in response to a formal complaint alleging the Clinton County Council & Board of Commissioner’s (“County”) violated the Open Door Law (“ODL”), Indiana Code § 5-14-1.5-1 et. seq. The County has responded via Mr. Thomas F. Little, Esq. His response is enclosed for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on March 20, 2017.

BACKGROUND

The formal complaint dated March 20, 2017 alleges the Clinton County Government violated the ODL by having an inappropriate conversation during a caucus.

On March 16, 2017, the Clinton County Republican Party held a caucus at the Clinton County Commissioner’s Office. A number of subject matters were addressed including wind farm development. The Complainant argues the conversation regarding the wind farm is proof positive of an illegal meeting because the Commissioners had placed a moratorium on wind development discussion.

The County has responded by indicating that no one affiliated with the Complainants were present at the gathering therefore it is mere speculation as to what was discussed. Secondly, the County argues the



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](mailto:opac@in.gov)
Website: www.IN.gov/pac

gathering was a political caucus and any “moratorium” is moot, especially given that a majority of the governing bodies was not present when the matters in question were discussed.

ANALYSIS

It is the intent of the Open Door Law (“ODL”) 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 Indiana Code § 5-14-1.5-1*. Section 6.1 provides an exception, allowing public agencies to conduct executive sessions which are closed to the public in order to discuss strategies with respect to certain specified topics.

It matters not how the Complainants learned of the subject matters discussed in the caucus, nor does it matter what particular subject matters were discussed. What is important is the context in which the wind development discussion took place. There can be no doubt that wind farming is a highly politicized issue in rural Indiana. This Office is well aware of the controversies surrounding its implementation. As with any other project or public works matter, it stands to reason public officials would want to meet to discuss with colleagues and party leaders in their political party the ramifications of supporting or opposing those kinds of initiatives.

Caucuses are not limited in scope to any particular issue or discussion topic. What matters is if those discussions are framed in a political light – whether it is good for a platform; whether voters would support a perspective or idea; and whether it makes sense, based on party values, to put forth an agenda based on an issue. So long as the discussion is framed with those considerations in mind, a caucus can address any subject matter. Once the discussion veers into substantive pending public business, however, caucuses can indeed transform into a public meeting if a majority of a governing body is present.

Complainants have presented no argument as to why the context of the caucus was illegal or inappropriate. Without further information, it appears as if the County’s public officials acted outside the reach of the Open Door Law.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Clinton County Government has not violated the Open Door Law.



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](mailto:opac@in.gov)
Website: www.IN.gov/pac

Luke H. Britt

A handwritten signature in black ink, appearing to read "LH Britt", written over a horizontal line.

Public Access Counselor

Cc: Mr. Thomas F. Little, Esq.