



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

August 10, 2015

Kathleen Hash, Esq.
86 West Court Street
Franklin, IN 46131

Re: Informal Inquiry 15-INF-19; Administrative Meetings

Dear Ms. Hash,

On July 7, 2010, you requested an informal opinion on Public Access implications of administrative meetings. You have submitted several questions to the PAC, which fall into four general categories. Pursuant to Ind. Code § 5-14-1.5 et. seq., I issue the following informal opinion in response to your inquiry.

Your inquiry involves several questions related to administrative function meetings. I have distilled them into several categories for convenience. Generally, public notice of the date, time, and place of any meeting of a governing body, shall be given at least forty-eight (48) hours before the meeting. See Ind. Code § 5-14-1.5-5. The forty-eight hour notice requirement does not apply to the following instance in subsection (f)(2):

the executive of a county or the legislative body of a town if the meetings are held solely to receive information or recommendations in order to carry out administrative functions, to carry out administrative functions, or confer with staff members on matters relating to the internal management of the unit. "Administrative functions" do not include the awarding of contracts, the entering into contracts or any other action creating an obligation or otherwise binding a county or town.

I. Must the Meeting Occur in a Place Obviously Open to the Public?

The ODL considers administrative meetings to be distinct from general meetings and executive sessions. Administrative meetings do not need to be noticed to the public. However, a member of the public cannot be denied access to such meetings. Therefore, administrative meetings must occur in a place accessible to the public. Use of a conference room or individual's office is allowed if the public is allowed to access the location. and would not be asked to leave. The location does not have to be as conspicuous as an open chamber or regular meeting place.



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-9435
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

II. Must notice of the meeting be posted during the meeting or provided to local media who has requested it under Ind. Code § 5-14-1.5-5(b)(2)?

Administrative meetings are exempt from the notice requirements of Ind. Code § 5-14-1.5-5 and may be conducted spontaneously at any time. A notice does not have to be posted contemporaneously while the meeting is being conducted nor does the requirement set forth in Ind. Code § 5-14-1.5-5(b)(2) need to be followed for an administrative function meeting.

III. Must the meetings be recorded?

Recording of administrative meetings or public meetings is not necessary under the ODL. The recording of any meeting is a decision to go above and beyond the scope of the ODL. Even if it is the practice of the public agency to record regular meetings, it is not required that administrative function meetings be recorded as well.

IV. Must minutes be kept of the meeting even if the meeting is recorded and who may take them?

Although the meeting does not need to be recorded, minutes are required with the details enumerated under Ind. Code §§ 5-14-1.5-4(b)(1), (2) and (3). The recording alone, if any, cannot exist to substitute for the minutes. The ODL does not require the Auditor be present for an administrative function meeting ostensibly due to the nature and purpose of this type of meetings. As long as the minutes are properly kept and prepared by someone who is present, the obligation to keep minutes is satisfied.

Please do not hesitate to contact me with any further questions.

Best regards,

A handwritten signature in black ink, appearing to read "L. Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor