STATE OF INDIANA



ERIC J. HOLCOMB, Governor

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OPINION OF THE PUBLIC ACCESS COUNSELOR

DAVID B. MITCHELL ET. AL.)
Complainants)
v.) 17-FC-15 (consolidated)
INDIAN CREEK TOWNSHIP (LAWRENCE COUNTY) TRUSTEE)))
Respondent)

ADVISORY OPINION March 8, 2017

This advisory opinion is in response to a formal complaint alleging the Indian Creek Township Trustee ("Trustee") violated the Open Door Law ("ODL"), Indiana Code § 5-14-1.5-1 et. seq. The Trustee has responded via Mr. Stephen R. Buschmann, Esq. The response is enclosed for review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaints received by the Office of the Public Access Counselor on January 26 through Feburary 9, 2017.

BACKGROUND

The formal complaints allege the Indian Creek Township Trustee violated the Access to Public Records Act by setting a public meeting at noon on a business day in another community.

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



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informed. See Indiana Code § 5-14-1.5-1. Forty-eight (48) hours-notice of the meeting must precede commencement of the meeting.

The Open Door Law does not provide that a meeting place be in any particular location or at any particular time, only that the meeting be noticed 48-hours in advance and is accessible by the public. Many of the matters cited by the Complainants, including the location and meeting time, are matters of local governance and are not under the purview of this office. The Trustee has the discretion to conduct meetings at any time, location and manner as long as it does not impede public access. Holding a meeting during lunchtime in a nearby adjacent community does not violate the spirit nor the letter of the law.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indian Creek Township Trustee has not violated the Open Door Law.

Luke H. Britt Public Access Counselor

Distribution:

Mr. Stephen R. Buschmann, Esq.