
OPINION OF THE PUBLIC ACCESS COUNSELOR

CHRIS A. SATTERFIELD,
Complainant,

v.

WINSLOW TOWN COUNCIL,
Respondent.

Formal Complaint No.
17-FC-272

Luke H. Britt
Public Access Counselor

BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Winslow Town Council (“Council”) violated the Open Door Law¹ (“ODL”). The Council has not responded to the complaint despite an invitation to do so on December 18, 2017. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received

¹ Ind. Code §§ 5-14-3-1.5 to -8

by the Office of the Public Access Counselor on December 12, 2017.

BACKGROUND

Chris A. Satterfield (“Complainant”) filed a formal complaint alleging the Winslow Town Council violated the Open Door Law by taking official action at a meeting of the Winslow Park Board.

On November 28, 2017, the Winslow Park Board (“Park Board”) held a properly noticed meeting. It is unclear from the complaint, however, if the Council attended with only a small representation of the Park Board. At the Park Board’s meeting, the Town Council then voted 2 to 1 to dismantle the Park Board. This is confirmed by the minutes subsequent to the meeting. The Town Council did not respond to an inquiry from this Office.

Satterfield also appears to take exception with the lack of discussion item being noticed as well as the individual Park Board members not being given notice of the meeting.

ANALYSIS

It is the intent of the Open Door Law (“ODL”) that 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, the ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. Ind. Code § 5-14-1.5-3(a). The Winslow Town Council and the Winslow Park Board are a public agencies/governing bodies for purposes

of the ODL. *See* Ind. Code § 5-14-1.5-2(b). Thus, unless an exception applies, all meetings of the Council and Park Board must be open at all times to allow members of the public to observe and record.

Based on the information provided, the Council and the Park Board are separate and distinct entities. Therefore, public notice of a Park Board meeting, without more, does not meet the notice requirements of the Open Door Law if both entities are meeting simultaneously. While the two governing bodies may indeed have simultaneous meetings, the Council is required to post separate public notice in order to open a meeting and take official or final action. Additionally, the term *official action* is defined broadly to include the mere act of receiving information, let alone a vote to dismantle another board. *See* Ind. Code § 5-14-1.5-2(d).

Under the ODL, public notice must be given 48 hours in advance by the governing body of a public agency as follows:

The governing body of a public agency shall give public notice by posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held.

Ind. Code § 5-14-1.5-5(b)(1). While an agenda is not strictly necessary, if one is used, it must be posted. *See* Ind. Code § 5-14-1.5-4. Furthermore, it is a matter of good governance that all interested members of any particular board be given individualized notice of a pending meeting. It goes without saying, however, that they would be notified the same as any member of the public. Therefore, no violation has occurred as to that portion of the complaint.

CONCLUSION

Based on the foregoing, it is the opinion of the Public Access Counselor that the Winslow Town Council has violated the Open Door Law by taking official and final action at another Board's meeting.

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

Luke H. Britt
Public Access Counselor