



# STATE OF INDIANA

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February 27, 2026

Re: Complaint 25-FC-135  
Peter Anderson (Complainant) v.  
City of Valparaiso Common Council (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on June 30, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025, requesting a formal response by November 20, 2025. A formal response, submitted by Attorney Adam Mindel of Mindel & Mindel on behalf of Respondent, was received in this office on November 13, 2025.

The complaint alleges that Respondent violated the Open Door Law (ODL) by having a non-public meeting to discuss a housing report.

## **ANALYSIS**

The Open Door Law (ODL) requires public agencies to conduct and take official action openly, unless otherwise expressly provided by statute, so people may be fully informed. Indiana Code (IC) 5-14-1.5-1. As a result, 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. IC 5-14-1.5-3(a).

Complainant alleges that the Respondent violated the ODL when a group of three (3) of Respondent's members met with a select group of citizens to discuss the results of a housing study. Complainant alleges that the meeting violated the ODL because no notice was published nor minutes taken and the meeting was not open to the public.

The ODL requires that all "meetings" of the governing body be open to the public and public notice of the meeting posted. "Meeting" is defined in the ODL as a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. IC 5-14-1.5-2(c).

IC 5-14-1.5-2(b) (b) "Governing body" means two (2) or more individuals who are any of the following:

(1) A public agency that:

(A) is a board, a commission, an authority, a council, a committee, a body, or other entity; and

(B) takes official action on public business.

(2) The board, commission, council, or other body of a public agency which takes official action upon public business.

(3) Any committee appointed directly by the governing body or its presiding officer to which authority to take official action upon public business has been delegated. However, the following do not constitute a governing body for purposes of this chapter:

(A) An agent or agents appointed by the governing body to conduct collective bargaining on behalf of the governing body.

(B) A committee appointed directly by the governing body or a designee of the governing body:

(i) for the sole purpose of receiving information, deliberating, or making recommendations to the governing body; and

(ii) that has not more than one (1) member of the governing body as a member.

See also Opinions of the Public Access Counselor 03-FC-87, 05-FC-219 and 19-FC-127.

Having a majority of the governing body or a governing body is critical to finding that a meeting took place subject to the ODL. Respondent has seven (7) members and only three (3) attended the gathering detailed in the complaint. Since a majority of the governing body did not attend the gathering detailed in the complaint, the presence of the three (3) of Respondent's members did not meet the definition of a meeting.

Next, we look at whether or not the gathering detailed in the complaint constituted an official committee that was appointed by the governing body or its presiding officer. For a committee to be considered a governing body for the purposes of a public meeting, as defined above, there must be a formal appointment by the governing body or presiding officer. There is no evidence of such appointment or delegation to take official action upon public business.

Neither Complainant nor Respondent discussed whether or not the gathering detailed in the complaint was appointed by the governing body or its presiding officer. However, Complainant stated that these meetings were held “with the explicit and intentional exclusion of certain council members,” which further leads this office to believe that the gathering detailed in the complaint was not appointed by Respondent.

It appears that the gathering detailed in the complaint reviewed and discussed the housing report but did not have the delegation of power to deliberate or make recommendations.

Complainant also included an email dated May 7 to the Councilmembers, which loops them in on the housing initiative and states that the next step is to put together a public symposium on May 29.

From the above, the various elements of a governing body do not exist for the gathering detailed in the complaint, neither does the element of final action. With the public meeting planned, it also appears that Respondent intends for the process to be open. The gathering detailed in the complaint does not satisfy IC 5-14-1.5-2(b)(3) and did not constitute a “meeting” of the governing body under the ODL.

Notice of public meetings is required to be posted 48 hours in advance of the meeting. IC 5-14-1.5-5(a). However, if the gathering detailed in the complaint is not a meeting for purposes of the ODL, then no notice of the meeting is required. Since the gathering detailed in the complaint did not constitute a meeting for purposes of public notice, no notice was required.

## **CONCLUSION**

This office finds that the Respondent did not violate ODL as alleged in the complaint.



Jennifer G. Ruby  
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