



STATE OF INDIANA

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May 17, 2026

Re: Complaint 25-FC-286
Rhonda L. DeFrees (Complainant) v.
Muncie City Council (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on October 9, 2025. A similar or related complaint was filed under 25-FC-287 by Kristopher Bilbrey on October 9, 2025, citing the same violations, and these complaints are being combined under 25-FC-286.

Notices of Complaint, along with a copy of the complaint, were sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. Formal responses, submitted by Attorney Daniel Gibson of Delk McNally LLP on behalf of Respondent, were received in this office on November 26, 2025.

The complaints allege that Respondent violated the Open Door Law (ODL) when a majority of its members met and discussed official business in violation of the public meeting provisions.

ANALYSIS

ODL requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, so the 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 a majority of Respondent's members violated the ODL on two (2) separate instances. The first violation occurred when the majority of Respondent's members met at 6:30 p.m. ahead of the public hearing scheduled on October 6, 2025. The complaint also alleges the second violation occurred when the majority of Respondent's members, with the City Attorney, huddled during the period between the public hearing and the 7:00 p.m. public meeting.

ODL defines a meeting as a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. While it appears that the first component of a “public meeting” was met with having a majority of the governing body, it is the intent of the meeting that becomes determinative.

The definition of meeting requires the intent to take official action on public business. Official action as defined in the ODL means to:

- (1) receive information;
- (2) deliberate;
- (3) make recommendations;
- (4) establish policy;
- (5) make decisions; or
- (6) take final action.

IC 5-14-1.5-2(d). As above, the definition of official action is broader than making decisions or taking final action. Both Complainant and Respondent seem to agree that the majority received information and discussed, or deliberated, on the proper course of action in each of instances.

The definition of public business means any function upon which the public agency is empowered or authorized to take official action. IC 5-14-1.5-2(e).

ODL provides certain exceptions to the open public meeting through the provisions for executive sessions. IC 5-14-1.5-6.1(b). Executive sessions may be held only in limited circumstances and must provide public notice of the executive session. Neither Complainant nor Respondent refer to the meetings as executive sessions, and none of the provisions of notice were followed. Therefore, the alleged violations do not fall within the executive session provisions. IC 5-14-1.5-6.1.

ODL also allows an exception to the definition of public meeting for a caucus. IC 5-14-1.5-2(c)(4). A caucus, under ODL, means a gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official actions. IC 5-14-1.5-2(h). Since a majority were present and they represented both political parties, the meeting did not fit the definition of a caucus.

Therefore, it appears the actions were those of a public meeting. The first meeting was held prior to any formally noticed public meeting. Presumably, the notices of the public meetings included the public hearing at 6:45 p.m. with notice of the public meeting at 7:00 p.m. Neither notice included a public meeting of Respondent at 6:30 p.m. This is not in accordance with ODL.

The second alleged public meeting took place between the public hearing and the scheduled public meeting. The public hearing had concluded and been adjourned. The public meeting pursuant to public notice had not been convened because it was not 7:00 p.m. Therefore, no notice had been given regarding a majority of the public body meeting to take official action on public business. This also is not in accordance with ODL.

The meetings reportedly discussed the legal requirements of the budgeting process and the legality of having one member attend remotely. The reported discussion further resulted in recommendations for deferring the budget ordinance adoption per those legal requirements.

Complainant and Respondent have differing views on whether a meeting was held at 6:30 p.m. or not. Neither disputes the grouping of a majority of the Respondent discussing the budget process between the public hearing and the public meeting.

CONCLUSION

This office finds that Respondent violated ODL when a majority of its members met outside of properly noticed meetings, twice on the same day.



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This Advisory Opinion combines and is issued in lieu of a separate opinion for 25-FC-287.