



STATE OF INDIANA

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September 26, 2011

Virginia Perry
102 Fountain Drive
Mooresville, Indiana 46158
Vfperry1036@aol.com

Re: *Informal Inquiry 11-INF-53; Mooresville Redevelopment Commission*

Dear Ms. Perry:

This is in response to your informal inquiry regarding the Mooresville Redevelopment Commission ("Commission"). Pursuant to Ind. Code § 5-14-4-10(5), I issue the following opinion in response to your inquiry. My opinion is based on applicable provisions of the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 *et seq.* Harold Gutzwiller, President, responded on behalf of the Commission. His response is enclosed for your reference.

You allege that on September 7, 2011, the Commission held a meeting outside of Morgan County in violation of the ODL. The Commission is part of the Morgan County Economic Development Corporation, whose offices are located in the Mooresville Government Center. The meeting on September 7, 2011 was held at a local hotel in Marion County, which is adjacent to Morgan County.

In response to your informal inquiry, Mr. Gutzwiller advised that statutory notice was provided by the Commission for the September 7, 2011 meeting along with an agenda being posted outside of the meeting room. The meeting was attended by the press and open to the public. Mr. Gutzwiller was of the belief that the meeting, which was held to collect and exchange ideas on various issues, would be more productive if held in a room where the members could be seated around a table in order to produce an open discussion.

The meeting was held in Marion County due to its close proximity to Mooresville. Mooresville does not have a local hotel and the Hampton Inn in Marion County was less than a 10-minute drive from Mooresville; as opposed to the Commission's other alternative, Martinsville, Indiana, which would have required up to a 30-minute drive. The meeting room was donated and no public funds were expended. Prior to the meeting, the Commission did not receive any inquiries that raised concern about the meeting's location.

It is the intent of the 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* I.C. § 5-14-1.5-1. Accordingly, except as provided in section

6.1 of the ODL, all meetings of the governing bodies of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. *See* I.C. § 5-14-1.5-3(a).

The Commission does not deny that it is a public agency that is subject to comply with the requirements of the ODL. The meeting held on September 7, 2011 was a “meeting” pursuant to I.C. § 5-14-1.5-2(c). You do not allege that the Commission failed to provide proper public notice of the meeting. I would note that the Commission went beyond the requirements of I.C. § 5-14-1.5-5 in providing public notice of the meeting in the September 3, 2011 *Mooreville-Decatur Times*. Your inquiry deals solely with whether the Commission violated the ODL by holding the meeting in a county outside from where the agency was established (e.g. Morgan County).

The ODL does not include a provision that requires governing bodies to meet at any specific location. *See Opinion of the Public Access Counselor 2000-FC-41*. The ODL places one restriction upon governing bodies when selecting locations, in that the meeting location must be accessible to people with disabilities. *See* I.C. 5-14-1.5-8; *See Opinion of the Public Access Counselor 06-FC-160*. State law may require certain public agencies to meet at a designated location. *See* I.C. 36-2-2-9 (“the executive may select a location other than the county courthouse for its meetings only if the courthouse is not suitable, is inconvenient, or has been replaced or supplemented by other buildings to house county government offices.”). However, I am not aware of any statute that would apply to the Commission.

The Commission has provided that the meeting was held to exchange ideas on a variety of issues and would be more productive if those attending could be seated in a manner that would create an open discussion. Mooreville does not have a local hotel, therefore the Hampton Inn in Marion County was selected due to its proximity and that no public funds were required to secure its use. The Commission investigated and considered other facilities, but found that the Hampton Inn in Marion County was the superior alternative. As such, it is my opinion that the Commission did not violate the ODL by holding the September 7, 2011 meeting in a neighboring county.

If I can be of additional assistance, please do not hesitate to contact me.

Best regards,

A handwritten signature in black ink, appearing to read 'J. Hoage', written in a cursive style.

Joseph B. Hoage
Public Access Counselor

cc: Harold Gutzwiller