

January 23, 2008

Margaret Fosmoe  
South Bend Tribune  
225 West Colfax Avenue  
South Bend, Indiana 46626

*Re: Your informal inquiry regarding the Community/Campus Advisory Coalition*

Dear Ms. Fosmoe:

This is in response to your informal inquiry dated November 12, 2007. I apologize for the delay in the response. Upon taking office July 1, 2007, I found a backlog of informal inquiries. I am currently endeavoring to address the backlog and issue opinions in response to the inquiries, pursuant to I.C. §5-14-4-10(5).

#### BACKGROUND

You inquire whether the Community/Campus Advisory Coalition (“CCAC”), created by the Common Council of South Bend, is a public agency for the purposes of the Open Door Law (“ODL”)(Ind. Code 5-14-1.5). The CCAC was created by Common Council Ordinance Number 9785-07, passed by the Council on September 24, 2007 and signed by the Mayor of South Bend on September 25.

#### ANALYSIS

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. I.C. §5-14-1.5-1. 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. I.C. §5-14-1.5-3(a).

A “meeting” is a gathering of the majority of the governing body of a public agency for the purposes of taking official action on public business. I.C. §5-14-1.5-2(c). “Official action” means to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. I.C. §5-14-1.5-2(d).

The Common Council of South Bend is a governing body of a public agency pursuant to I.C. §5-14-1.5-2(b)(1). A “public agency” is, among other things, any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff. I.C. §5-14-1.5-2(a)(5).

The CCAC is a body created by Common Council Ordinance Number 9785-07 and charged with “making advisory recommendations to the Council’s Community Relations Committee and the Council’s Residential Neighborhoods Committee. . . .” The Ordinance establishes the membership of the CCAC and provides that the agendas and meeting minutes shall be regularly sent to the City Clerk for distribution to the Council. It is my opinion the CCAC fits into the definition of I.C. §5-14-1.5-2(a)(5), since it is a body created by ordinance to advise the governing body, namely the Common Council.

#### CONCLUSION

It is my opinion that the CCAC is a public agency for the purposes of the Open Door Law.

Best regards,



Heather Willis Neal  
Public Access Counselor