

**Cass County Redevelopment Commission Executive Session  
Wednesday, February 19, 2020 at 10:45 AM (immediately following the regular  
scheduled RDC Board Meeting) - Cass Co. Commissioner's Hearing Rm**

**IC 5-14-1.5-6.1 Executive sessions**

Sec. 6.1. (a) As used in this section, "public official" means a person:

- (1) who is a member of a governing body of a public agency; or
- (2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to any of the following:
  - (A) Collective bargaining.
  - (B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing. As used in this clause, "litigation" includes any judicial action or administrative law proceeding under federal or state law.
  - (C) The implementation of security systems.

**(D) A real property transaction including:**

- (i) a purchase;**
- (ii) a lease as lessor;**
- (iii) a lease as lessee;**
- (iv) a transfer;**
- (v) an exchange; or**
- (vi) a sale;**

**by the governing body up to the time a contract or option is executed by the parties. This clause does not affect a political subdivision's duty to comply with any other statute that governs the conduct of the real property transaction, including [IC 36-1-10](#) or [IC 36-1-11](#).**

(E) School consolidation.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
- (4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by:
  - (A) the Indiana economic development corporation;
  - (B) the office of tourism development (before July 1, 2020) or the Indiana destination development corporation (after June 30, 2020);
  - (C) the Indiana finance authority;
  - (D) the ports of Indiana;
  - (E) an economic development commission;
  - (F) the Indiana state department of agriculture;
  - (G) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or
  - (H) a governing body of a political subdivision.

However, this subdivision does not apply to any discussions regarding research that is prohibited under [IC 16-34.5-1-2](#) or under any other law.

- (5) To receive information about and interview prospective employees.
- (6) With respect to any individual over whom the governing body has jurisdiction:
  - (A) to receive information concerning the individual's alleged misconduct; and
  - (B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:
    - (i) a physician; or
    - (ii) a school bus driver.

- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- (10) When considering the appointment of a public official, to do the following:
  - (A) Develop a list of prospective appointees.
  - (B) Consider applications.
  - (C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding [IC 5-14-3-4\(b\)\(12\)](#), a governing body may release and shall make available for inspection and copying in accordance with [IC 5-14-3-3](#) identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

- (11) To train school board members with an outside consultant about the performance of the role of the members as public officials.
- (12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under [IC 25](#).
- (13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.
- (14) To train members of a board of aviation commissioners appointed under [IC 8-22-2](#) or members of an airport authority board appointed under [IC 8-22-3](#) with an outside consultant about the performance of the role of the members as public officials. A board may hold not more than one (1) executive session per calendar year under this subdivision.
- (15) For discussion by the governing body of a state educational institution of:
  - (A) the assessment of; or
  - (B) negotiation with another entity concerning;the establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution. However, this subdivision does not apply to any discussions regarding research that is prohibited under [IC 16-34.5-1-2](#) or under any other law.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection. *As added by P.L.1-1991, SEC.37 and P.L.10-1991, SEC.8. Amended by P.L.48-1991, SEC.1; P.L.37-2000, SEC.1; P.L.200-2003, SEC.2; P.L.4-2005, SEC.28; P.L.229-2005, SEC.2; P.L.235-2005, SEC.84; P.L.101-2006, SEC.3; P.L.179-2007, SEC.5; P.L.2-2008, SEC.20; P.L.98-2008, SEC.3; P.L.120-2008, SEC.1; P.L.139-2011, SEC.1; P.L.24-2012, SEC.1; P.L.103-2013, SEC.2; P.L.145-2016, SEC.2; P.L.197-2017, SEC.2; P.L.78-2019, SEC.2; P.L.164-2019, SEC.1.*