



STATE OF INDIANA

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February 11, 2016

Journal Review

C/o Ms. Tina McGrady, Managing Editor
119 North Green Street
P.O. Box 512
Crawfordsville, Indiana 47933

Re: Formal Complaint 16-FC-08; Alleged Violation of the Open Door Law by the Town of New Richmond Town Council

Dear Ms. McGrady:

This advisory opinion is in response to your formal complaint alleging the Town of New Richmond Town Council ("Council") and Council President Kathy Peevler violated the Open Door Law ("ODL"), Ind. Code § 5-14-1.5-1 et. seq. The Council has responded via Ms. Peevler. Her response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on January 7, 2016.

BACKGROUND

Your complaint dated January 11, 2016 alleges the New Richmond Town Council violated the Open Door Law by failing to provide notice of a council meeting.

On December 3, 2015, the Journal Review requested meeting notifications for the Town of New Richmond. You were informed that a meeting would be held on the first Monday of each month, beginning January 2016. However, you note that a meeting was held on January 5, 2016, which was a Tuesday. You contend the Journal Review received no notice of this change.

On January 22, 2016 the Town responded. The Town notes you were sent an email on December 8, 2015 informing you the January meeting was going to be held on January 5, 2016. This email was sent to you by Ms. Alatheia Foust, Clerk-Treasurer.

ANALYSIS

It is the intent of the Open Door Law (ODL) 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 Ind. Code § 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 Ind. Code § 5-14-1.5-3(a).

Ind. Code § 5-14-1.5-5(a) states “[p]ublic notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. In the case of media who has requested notice individually, public notice shall be given by the governing body of a public agency as follows:

(2) The governing body of a public agency shall give public notice by delivering notice to all news media which deliver an annual written request for the notices not later than December 31 for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods, which shall be determined by the governing body:

(B) Transmitting the notice by electronic mail, if the public agency has the capacity to transmit electronic mail.

Ind. Code § 5-14-1.5-5(b)(2)(B).

In this case, the Town clearly gave you notice of this rescheduled meeting nearly a month in advance by emailing you the deviation of scheduling. A copy of that email was provided by the Town and attached for your reference. Therefore, the Town has met its duties under the ODL to provide you with notice of the schedule deviation.

CONCLUSION

Based on the forgoing, it is the Opinion of the Public Access Counselor the Town of Richmond Town Council has not violated the Open Door Law.

Regards,



Luke H. Britt
Public Access Counselor

Cc: Ms. Kathy Peevler