



STATE OF INDIANA

MIKE BRAUN, Governor

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June 23, 2026

Re: Complaint 25-FC-330
Lori L. Crandall (Complainant) v.
Fremont Town Council (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on November 12, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on December 5, 2025, requesting a formal response by January 6, 2026. A formal response, submitted by Attorney Kurt Bachman of Beers Mellers, LLP on behalf of Respondent, was received in this office on January 5, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it held an improper Executive Session, failed to add her to the agenda or afford her an opportunity to speak, and failed to read aloud an ordinance before adopting it.

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).

Respondent is a public agency for purposes of ODL, and therefore, subject to the requirements. IC 5-14-1.5-2(a)(1). As a result, unless an exception applies, all meetings of Respondent should be posted by notice and open to the public.

Complainant alleges that prior to Respondent's regular meeting of October 21, 2025, Respondent met in Executive Session. Complainant alleges that a decision to close the dog park was made in the Executive Session and simply announced at the regular meeting.

ODL provides, in relevant part:

Executive Sessions may be held only in the following instances:

(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining, which does not include a discussion or meeting under [IC 20-29-6-7](#).

(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.

IC 5-14-1.5-6.1(b)(2)

Respondent stated that the Executive Session was properly noticed and held according to the above-referenced statute. The formal response included a copy of the notice of the Executive Session which correctly referenced the agenda item dealing with security systems. Respondent apparently discussed the dog park security issue and the security solutions to be considered. Subsequently the Council discussed, in the public meeting, that it was closing the dog park temporarily and would pursue security cameras to monitor future activity.

Respondent subsequently prepared a memoranda regarding the Executive Session and itemized the issues discussed in the meeting, in accordance with the statute. The Council certified that no other matters were discussed at the Executive Session other than what was included in the notice of the meeting.

Part of Complainant's allegation revolves around the "appearance" that decisions were made in the Executive Session and merely voted on in the public meeting. Respondent stated that a statement was read out loud at the public meeting prior to the public vote. Respondent should not complete discussions or make decisions in an Executive Session such that there is no discussion in the public meeting and merely a vote. Often, the public wants to be present for discussions and understand why decisions were made the way that they were made.

Complainant also alleges that Respondent does not allow attendees to speak at public meetings. Respondent stated that it is not required to allow public input at the meetings of the governing body.

ODL provides for the conduct of meetings to be established by the governing body:

If a governing body allows attendees to speak on a topic at a meeting, the governing body may designate:

(1) a period for taking public testimony that is:

(A) before or during the governing body's discussion or consideration of the topic; and

(B) before the governing body takes final action on the topic; and

(2) the amount of time allotted for attendees to speak on the topic.

IC 5-14-1.5-3.3(d).

The provision starts “IF the governing body”. Therefore, the governing body has discretion and is not required to allow attendees the opportunity to speak at its public meetings. Section 3.3 further allows governing bodies to adopt procedures related to conducting their meetings.

Complainant alleges that Respondent failed to read or otherwise identify an ordinance at the time it was considered and adopted by Respondent on October 21, 2025. Respondent has stated that the ordinance was introduced by number and purpose, then voted on. It passed at the initial reading. It is common for municipalities to waive the full reading of the ordinance and introduce by number and descriptive purpose. Respondent went on to say that the second reading was waived, such that the ordinance was voted on and approved at the same meeting where the ordinance was introduced.

IC 36-5-2-9.8 provides:

(a) A two-thirds (2/3) vote of all the elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance of the legislative body on the same day or at the same meeting at which it is introduced.

(b) Subsection (a) does not apply to the following:


(1) A zoning ordinance or amendment to a zoning ordinance adopted under [IC 36-7](#).

(2) An ordinance to increase the number of town legislative body members adopted under section 4.2 of this chapter, unless the ordinance also establishes new legislative body districts.

It appears that the above procedural criteria were met and the ordinance was not dealing with zoning or expansion of the legislative body of the town. Therefore, the Respondent complied with the statute.

CONCLUSION

This office finds that the Respondent did not violate ODL as alleged in the complaint.

A handwritten signature in cursive script, appearing to read "Jennifer G. Ruby".

Jennifer G. Ruby
Public Access Counselor