



STATE OF INDIANA

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October 8, 2026

Re: Complaint 26-FC-183
Donald T. Day (Complainant) v.
City of Shelbyville (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on March 24, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 28, 2026, requesting a formal response by September 28, 2026. A formal response, submitted by attorney Luke Jolly of McNeely Law, LLP on behalf of Respondent, was received in this office on September 28, 2026.

The complaint alleges that Respondent violated the Open Door Law (ODL) when it cancelled a Tax Abatement Committee meeting scheduled for February 5, 2026, and gave the public limited time to speak at a Common Council meeting on March 23, 2026.

ANALYSIS

ODL requires public agencies to conduct and take official actions openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. 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 the city's Tax Abatement Committee meeting scheduled for February 5, 2026, was cancelled abruptly and without warning or notice. ODL requires that the date, time, and place of any public meeting or

executive session, be given at least forty-eight (48) hour notice prior to the meeting. IC 5-14-1.5-5. On February 5, 2026, the Respondent posted a notice indicating that the Tax Abatement Committee meeting scheduled for that day had been cancelled. As ODL does not impose any requirements on a public agency concerning the cancellation of a previously scheduled meeting, the Respondent's actions were not in violation of ODL.

Complainant likewise alleges that on March 23, 2026, the Common Council meeting was ended after 25 minutes, which only allowed the attendants 2 minutes to speak. APRA requires that the opportunity for oral public comment be given only if the governing body is a school corporation or charter school. IC 5-14-1.5-3.2. As Respondent is neither a school corporation nor charter school, APRA does not require that the opportunity for oral public comment be given.

At IC 5-14-1.5-3.3(d), APRA provides:

(d) 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.

At IC 5-14-1.5-3.3(e)(1), APRA provides:

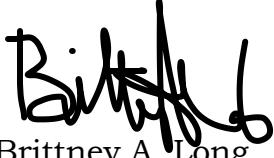
(e) A governing body may adopt reasonable rules or policies governing the conduct of a meeting, including any of the following:

(1) Reasonable restrictions on the time allotted for attendees to speak on a topic.

As the March 23, 2026, meeting was a regular meeting, and not a public hearing, the opportunity for public comment was limited to a period of approximately 20 minutes, as determined by the council. As the opportunity for public comment was given, though not required, the Respondent's action to conclude the Common Council meeting did not violate APRA.

CONCLUSION

This office finds that Respondent did not violate APRA as asserted in the complaint.

A handwritten signature in black ink, appearing to read "Brittney A. Long". The signature is stylized with a large initial "B" and a long, sweeping underline.

Brittney A. Long
Public Access Counselor