





# STATE OF INDIANA

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properly posted notice 48 hours in advance and the building was not accessible due to locked meeting doors denying access to certain town members.

The ICTB responded by explaining the door was locked as the meetings are held at the fire department and there are security concerns for equipment. The usual course of business is for attendees to knock on the door to gain admittance. Several affidavits were filed indicating notice was posted at the location and members of the public were able to attend.

Additionally, a complaint was filed alleging an executive meeting took place after the public meeting, but no purported facts were set forth contextualizing the complaint.

## ANALYSIS

It is the intent of the Open Door Law ("ODL") that 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 Indiana Code § 5-14-1.5-1*. Section 6.1 provides an exception, allowing public agencies to conduct executive sessions which are closed to the public in order to discuss strategies with respect to certain specified topics.

According to the statute, public 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 before the meeting. *Indiana Code § 5-14-1.5-5(a)*.

Based on the information provided, it is impossible to determine if the door to the fire department was intentionally locked to exclude members of the public or certain officials or rather it is merely a logistics issue with the meeting location. Furthermore, there is a factual dispute as to whether notice was posted at the meeting location. In the future, I recommend the board conspicuously post notice on the door of the building where the meeting is held 48-hours in advance. If the doors to that building are locked, either by inadvertence or necessity, a detailed message should be posted in addition to notice alerting the public as to how to gain access (i.e. knocking loudly, ringing, using an intercom, etc.)

Please do not hesitate to contact me with any further questions.



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A handwritten signature in black ink, appearing to read "LH Britt", is positioned above the printed name and title.

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