

**WHAT EVERY PUBLIC OFFICIAL SHOULD KNOW
ABOUT THE OPEN DOOR LAW
Ind. Code 5-14-1.5**

- Meetings of governing bodies of public agencies must be open at all times to allow the public to observe and record them. I.C. § 5-14-1.5-1.
- A meeting is a gathering of a majority of the governing body for the purpose of taking official action on public business. I.C. § 5-14-1.5-2(c).
- Effective July 1, 2007, the Open Door Law prohibits serial meetings --- a series of meetings (at least one attended by three members but less than a quorum in addition to other small meetings between two or more members) held within a seven day period regarding the same subject matter to take official action on public business. I.C. § 5-14-1.5-3.1.
- The following actions are not considered meetings:
 - on-site inspection of facilities of applicants for incentives or assistance from the governing body;
 - a gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decision, or final action on the terms of a request or an offer of public financial resources;
 - an orientation of members of the governing body on their role and responsibilities as public officials, but not for any other official action;
 - a gathering between less than a quorum of members intended solely for members to receive information and deliberate on whether a member may be inclined to support a member's proposal or piece of legislation;
 - a caucus;
 - traveling to and attending meetings of organizations devoted to the betterment of government; or
 - a gathering for the sole purpose of administering an oath of office to an individual.I.C. § 5-14-1.5-2(c).
- Alternate means of communication: member of a governing body participating via electronic or telephonic means is not considered present and may not take final action. Memoranda must reflect members present, absent, and participating by using means of alternate communication. I.C. 5-14-1.5-3(d).
- A committee must comply with the Open Door Law if the committee has been appointed directly by a governing body or its presiding officer to take official action on public business. I.C. § 5-14-1.5-2(b)(3).
- Official action means to receive information, deliberate, make recommendations, establish policy, make decisions, or take final action. I.C. § 5-14-1.5-2(d).

- A governing body must post notice of its meetings and executive sessions at least 48 hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. Notice must state the date, place, and time of the meeting. I.C. § 5-14-1.5-5(a).
- Notice must be posted at the principal office of the public agency or at the place the meeting is held. I.C. § 5-14-1.5-5(b).
- Notice must also be delivered to any news media that deliver by January 1 an annual written request for such notices for the next calendar year. I.C. § 5-14-1.5-5(b).
- Executive sessions are meetings that are not open to the public. Common reasons for executive sessions are the following: for discussion of strategy with respect to collective bargaining, litigation, or purchase or lease of real estate; to receive information about and interview prospective employees; to receive information about an individual's alleged misconduct; or to discuss a job performance evaluation of an employee. I.C. § 5-14-1.5-6.1.
- Notice of an executive session must state the subject of the session by referring to the statutory instance for which the executive session may be held under section 6.1(b) of the Open Door Law. A notice referring to "personnel issues" or "litigation" is not sufficient. I.C. § 5-14-1.5-6.1(d).
- A governing body utilizing an agenda must post it at the entrance to the meeting prior to the meeting. The governing body may not take final action by reference to agenda number or item alone. I.C. § 5-14-1.5-4(a).
- During the meeting, the following memoranda must be kept: 1) the date, time and place of the meeting; 2) the members present and absent; 3) the general substance of all matters proposed, discussed, or decided; 4) a record of all votes taken, by individual members if there is a roll call; and 5) any additional information required by statute. I.C. § 5-14-1.5-4.
- Memoranda for executive sessions must include the above, but in place of the substance of all matters discussed, the memoranda must identify the subject matter considered in the executive session by reference to the specific instance for which public notice was given. Also, the memoranda and minutes must certify by a statement of the governing body that no other subject matter was discussed. I.C. § 5-14-1.5-6.1(d).
- No final action may be taken in an executive session. I.C. § 5-14-1.5-6.1(c).
- Draft minutes are public records and must be made available for inspection and copying even if they are not yet transcribed or are not yet approved by the governing body. If the minutes or memoranda are not yet approved, the county may so indicate on the copy. I.C. § 5-14-3-3.
- A meeting must be held in a building that is physically accessible to persons who are disabled. I.C. § 5-14-1.5-8.