

Open Door Law

What is a meeting?

A meeting is defined as a gathering of a majority of a governing body of a public agency for purposes of taking official action upon public business. Not all meetings held by the government are subject to the Open Door Law. A governing body most often is a board or commission, like the local school board or county commissioners, to name two examples. Meetings involving staff members of public agencies are not generally required to be open to the public. For more information about what constitutes a governing body, see pages 6-7 of the Handbook on Indiana's Public Access Laws at www.in.gov/pac.

Is a committee meeting required to be open to the public?

It depends on how the committee was appointed. If the committee was appointed directly by a governing body or the governing body's presiding officer, the committee must post notice of its meetings and meet in public.

How can the board prevent me from speaking at its meeting?

Unless a law requires the board to take public comments for a specific issue, a governing body is not required to take public comments during a public meeting. If the governing body allows public comments during an ordinary meeting, the governing body can limit the amount of time allowed for each speaker.

I found out that the governing body met behind closed doors to discuss "personnel matters." Is that right?

When a governing body excludes the public from a meeting, it is holding an "executive session." A governing body can only meet in executive session under a few circumstances, and must post a notice stating the precise reason or reasons the body is meeting in an executive session. The notice cannot just say "personnel matters" are being discussed because that is not a precise reason allowed by the law.

I requested minutes of a town council meeting held last month but was denied because the town council had not had an opportunity to meet to approve them. Is this right?

No. A governing body must disclose draft memoranda or minutes even if the minutes are not finalized or approved. The body may indicate on the copy that the minutes are in draft form or are "subject to approval."

How long before the meeting takes place must the Board post a notice?

A public agency must post notice stating the date, time and place of the meeting at least 48 hours in advance of the meeting. The 48 hours does not include Saturdays, Sundays, or legal holidays.

Does the notice of a meeting or executive session have to appear in the local newspaper?

Generally no. The Open Door Law requires only that notice be posted at the regular business offices of the public agency or at the meeting place. In addition, the public agency is required to send the notice to the media who request it. Other laws may require that for hearings of the governing body, notice be published in the newspaper, but the Open Door Law itself does not require publication of the notice in the newspaper.