



MEMORANDUM

To: Sonya Cleveland, Substance Abuse Services Division Director

From: David W. Stewart, General Counsel

Date: February 26, 2008

Re: Indiana Open Door Law and Local Coordinating Council Meetings

It has come to my attention that there is some confusion as to whether or not the Local Coordinating Councils (LCC's) need to follow the Indiana Open Door Law when they hold their meetings. Because an LCC is considered a Public Agency, its regular, executive, grant review and sub-committee meetings are subject to the Indiana Open Door Law. Indiana Code 5-14-1.5-2 defines a public agency:

IC 5-14-1.5-2

(a) "Public agency", except as provided in section 2.1 of this chapter, means the following:

- (1) Any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.**
- (2) Any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power.**
- (3) Any entity which is subject to either:
 - (A) budget review by either the department of local government finance or the governing body of a county, city, town, township, or school corporation; or**
 - (B) audit by the state board of accounts that is required by statute, rule, or regulation.****
- (4) Any building corporation of a political subdivision of the state of Indiana that issues bonds for the purpose of constructing public facilities.**
- (5) Any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or the committees of any such staff.**
- (6) The Indiana gaming commission established by IC 4-33, including any department, division, or office of the commission.**
- (7) The Indiana horse racing commission established by IC 4-31, including any department, division, or office of the commission.**

Since an LCC is considered a public agency, and since a public agency is subject to the Indiana Open Door Law, the meetings held by the LCC's are required to be announced at least 48 hours in advance (IC 5-14-1.5-5), and with the exception of an executive session, are open to the public. If an LCC is refusing to allow public access to their meetings or is otherwise in violation of the Indiana Open Door Law, I suggest that complaints be filed with the Indiana Public Access Counselor and the Commission for a Drug Free Indiana. The full text of the Indiana Open Door Law can be found at: www.in.gov/legislative/ic/code/title5/ar14/ch1.5.html.