

# Expert shines a light on the Sunshine Law for community

By Debbie Lowe  
Staff writer

Indiana's Open Door Law, commonly referred to as the "Sunshine Law" was created by the Indiana General Assembly in 1977 to establish criteria which defines "transparent" government and to guide elected officials in their endeavor to always be open with the public. The purpose of the law is to allow those who are governed, and ultimately who pay the bills, the opportunity to know how and what decisions are made by those who are elected to make the decisions. It serves to help the public understand government and allows them to gauge how those they elect are governing them.

According to Steve Key, general counsel for the Hoosier State Press Association, the media serves as the "watchdog" for the public by attending meetings and reporting about the happenings at the meetings. Key visited Carroll County Monday night to explain the Open Door Law and the Access to Public Records Law in a public meeting, sponsored by the *Comet*, at the Delphi Public Library.

"This is a seminar that will hopefully be helpful to you," Key told a group of 18 participants. "The vast majority of public officials want to do what's right."

Representatives from county government, Delphi City government, the Town of Flora, Delphi School Corporation, township trustees, and others listened as Key explained the finer points of the law.

Key said although the public has a legal right to attend and record public meetings, it does not follow that anyone has the right to speak at a public meeting. He warned, failure to allow the public an opportunity for expression at meetings could

work against the elected officials in the long run.

"From a public relations standpoint, it would be best for a governing body to give the public an avenue to speak," he said. "They can record the meetings with both voice recorder and camera. It is not against the law for those recordings to be played on public television or someone's Web site."

The speaker discussed the problems with small boards and emphasized that when there is a board of three, such as a township advisory board or the county commissioners, it is more challenging to comply with the law than with a larger governing body.

Key said it could be easy for the three to meet without planning but eventually discuss the business of the body they govern. He said the issue of compliance is all about the intent of the public official. If the three officials meet "accidentally" with the intent to discuss business, it is a violation of the law. However, if the meeting is by chance, the discussion would comply with the law.

"If the 'chance' meeting happens over and over again, then the situation could be considered a violation," Key said.

"So, what you are talking about is integrity," Burlington Township Trustee Al Jackson commented.

Key said that when a document or upcoming meeting information, such as school board, county commissioner or city council packets are created, they become a matter of public record. He said when requested the information should be made available to the media and the public.

Key also discussed the sunshine law in regard to emergency meetings notification and the necessary criteria for a governing body to



Carroll County auditor Beth Myers has questions for Hoosier State Press Assn. General Counsel Steve Key following Monday night's open door law/access to public records seminar hosted by the *Comet*. Comet Photo

hold an executive session. He explained about police merit board meetings and E-mails between elected officials and meetings of agencies which receive the majority of their funding from taxpayer dollars.

"The burden of proof lies with the public agency to prove that Indiana's Open Door Law lets them meet outside of the public eyes or to withhold information," he said.

Those interviewed after the seminar reported that the experience was helpful and educational.

"I learned the sheriff's merit board meetings are supposed to be open to the public," Carroll County Sheriff Tony Burns said. "I was interested to learn about the release of records and what we have to put in the daily logs when there is a request, too."

"This seminar clarified many areas of concern for me," Beth Myers stated. Myers is the county auditor and serves as the secretary for the commissioners and the council.

Delphi City Council member Brian Garrison said the session was helpful for him as an elected official. He and city council president Carolyn Pearson

learned that each council member, and not the mayor, is responsible for ensuring compliance with the law as it applies to executive sessions and committee meetings.

"I think it was good the presenter cited us exactly what Indiana Code and subsection applied to different situations," Garrison said. "I have more insight about what my role as a city council person is now."

County council member Nancy S. Cripe said the presentation was a good refresher course about the sunshine law.

Kevin McCarthy of Camden attended the seminar as a private citizen. He said he learned more about his rights as a citizen from the information presented.

"I'm all about education and being informed," he said. "I enjoyed this very much."

Handbooks explaining the open door law, published by the Indiana Public Access Counselor in conjunction with the Hoosier State Press Association, can be obtained free of charge from the Delphi *Comet* office at 114 E. Franklin St. Key can be contacted by telephone at (317) 624-4427 or by e-mail at skey@hspa.com.

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