



# STATE OF INDIANA

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## STATEMENT AND GENERAL GUIDANCE OF THE PUBLIC ACCESS COUNSELOR REGARDING THE CORONAVIRUS DISEASE (COVID-19) EVENT

State and local agencies are concerned with holding public meetings in light of the declared public health emergency associated with COVID-19. The public-at-large is equally concerned of gathering in large groups to attend those meetings. Toward that end, the Office of the Public Access Counselor is releasing this guidance in conjunction with the Governor's Executive Orders to provide practical guidance to the public and government agencies to prevent or slow the rate of transmission of COVID-19.

Public agencies should cancel or postpone non-essential meetings consistent with the Governor's Executive Order. Cancellations of meetings do not require notice but notifications via web site or social media is advisable.

It is important to note that the Open Door Law is still applicable save for the amendments to the electronic meeting policy and the electronic notice provision. If a meeting or hearing absolutely must be held, the Center for Disease Control and the Indiana State Department of Health has issued guidance regarding smaller gatherings based upon best public health practice – fifty people or less is the recommended maximum.

These temporary recommendations may necessarily exclude some, but not all, members of the public for the duration of the emergency. **A portion of those individuals present must include representatives from the media or the public.** Nevertheless, agencies are urged to make all efforts to make accommodations ensuring the public's right to observe and record meetings.

- The use of technology for remote public attendance is encouraged. If a governing body broadcasts or livestreams its proceedings, consider viewing those meetings from home, especially for high-risk or symptomatic individuals.
- Regardless of anticipated attendance, utilizing larger venues to reduce attendee density is a wise option if possible.
- Governing bodies are urged to practice social distancing in any venue. This includes adding distance between attendee seating areas. Consider instituting a 1/3 capacity policy at least. A reasonable reduction of capacity in the immediate public seating area will not be considered a violation of the Open Door Law



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during the time of emergency. Governing bodies should prioritize attendance of the public and media over other non-essential staff and government personnel.

- Governing bodies should, if possible, shorten the length of their meetings and exclude non-essential agenda items.
- Review public comment policies to ensure consistency with public health guidance. If a hearing requires the acceptance of public comment, encourage remote submissions as opposed to in-person feedback.
- If there are items or authority that can statutorily be delegated to a presiding officer, a governing body should ratify those actions when normal meetings resume. This includes, but is not limited to operational or administrative functions and executive or ministerial duties.
- Members of the public should consider making public records requests remotely and not in person.
- Note that the reasonable time requirement for public records production may be different during times of emergency than during normal business operations.

Most importantly, practice patience with one another and use common sense. As this office often moderates disputes between the public and their representative officials, we know that times of heightened pressure often enflame tensions and anxiety. We encourage mindfulness and civility while working together through these unprecedented times.

As always, please do not hesitate to contact us with any questions.

Best regards,

A handwritten signature in black ink, appearing to read "LH Britt", written over a white background.

Luke H. Britt  
Public Access Counselor