

Question: Can Conference Board voting units caucus privately without violating open meetings laws?

Editor's Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB's activities and provide information on some of the issues routinely addressed by the board.



ANSWER: Under Iowa law, a Conference Board has a unique membership, voting rules, and powers and responsibilities. According to Iowa Code section 441.1, the membership consists of the mayors of all incorporated cities in the county, a representative from the board of directors from each high school district in the county and the members of the Board of Supervisors for the county. (NOTE: If a city has an assessor, the city conference board includes all city council members instead of the mayors.) When voting, each voting unit (mayors, schools and supervisors) cast a single vote for that group. As a result, only three total votes are cast on an issue. The members of each unit vote separately to determine the vote of the unit as a whole. “The majority vote of the members present of each unit shall determine the vote of the unit.” (Iowa Code section 441.1).

A Conference Board is considered a governmental body under Chapter 21, requiring that its meetings be open to the public. There is no provision in Chapter 21, or case law or attorney general opinion, specifically addressing whether a voting unit can meet privately to reach a decision on the casting of a vote in open session. Each Conference Board voting unit, individually, arguably constitutes a governmental body under Iowa Code subsection 21.2(1)(a), as the Conference Board and the voting units are created by statute. The Board of Supervisors voting unit is certainly a governmental body if a quorum of that body is present. In addition, other sections of Chapter 21 seem to prohibit private caucusing:

21.5(3): “Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code express-

ly permits such actions to be taken in closed session.”

21.3: “...The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present.”

While it may be necessary at times for a conference board voting unit to discuss an issue and determine how that voting unit will cast its vote, the caucus should be done in an open setting so that the general public can observe the deliberation and votes. Votes of each member of the voting unit should be openly cast and publicly recorded. A voting unit, as well as the full Conference Board, should only meet in closed session by strictly following the requirements of Iowa Code section 21.5.

IPIB Facts and Figures

During the month of December 2014, 76 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>DECEMBER</u>	<u>JAN-DEC</u>
Formal complaints	10	102
Formal opinions	0	7
Declaratory orders	0	4
Informal complaints	19	123
Informal requests	43	565
Misc.	4	10
TOTAL:	76	811