

# Question: What steps should a private citizen take at a meeting of a governmental body when it is suggested that the body go into closed session, possibly for reasons not legal under Chapter 21 or other sections of the Iowa Code?

*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:** Although Chapter 21 does not directly answer this question, these steps seem reasonable:

1. The government body is required to state the reason for going into closed session before the vote. If they do not, or you disagree with them, you should seek an opportunity to voice your concern. Although you may not be assured access to the floor, you might state: "I'd appreciate it if you would specify exactly which exemption is being used to close the meeting. I question your legal grounds for closing the session."
2. If given the opportunity, explain why you feel the meeting should remain open and which requirements of closing may not have been met by the public body. Ask that the minutes include your request for the reason for the closed session.
3. If the meeting is closed, and you remain concerned that it was closed illegally, you

can contact the Iowa Public Information Board (IPIB). The IPIB can assist with informally resolving the situation, or you can file a formal complaint. You can also ask the county attorney to look into the matter or retain a private attorney to pursue other legal options. You need to show that the public body is covered by the open meetings law and that a closed meeting was held. The public agency must then demonstrate compliance with the law.

The IPIB staff can review the legality of a governmental action, attempt to resolve disputes, and act to enforce the law. The IPIB is available at (515) 725-1781 or by email at [ipib@iowa.gov](mailto:ipib@iowa.gov). The website is [www.ipib.iowa.gov](http://www.ipib.iowa.gov).

## IPIB FACTS AND FIGURES

During the month of December 2016, 62 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>DECEMBER 2016</u>	<u>2016 YEAR-TO-DATE</u>
Formal complaints	2	107
Advisory opinions	6	18
Declaratory orders	0	1
Informal complaints	9	99
Informal requests	37	629
Miscellaneous	8	21
<b>TOTAL:</b>	<b>62</b>	<b>875</b>

### Who can contact the IPIB and how long does it take?

Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the website. In 2016, 875 identifiable people contacted the IPIB. Of these, 44% were private citizens, 43% were government officials or employees, and 13% were members of the media.

In the month of December 2016, 68% of the incoming contacts were resolved the same day, 15% were resolved in one to five days, and 17% were resolved in six or more days.