

IPIB Monthly Column

September 4, 2020

Q&A from the Iowa Public Information Board

By Margaret E. Johnson, Executive Director

Question: What groups are required to hold open meetings?

Answer: Governmental bodies, as defined by Iowa Code section 21.2(1), are required to conduct open meetings. The answer sometimes requires an analysis of how the group was created and what its charge is. Iowa Attorney General's opinions, Iowa Supreme Court cases, and advice from the Iowa Public Information Board have produced these guidelines:

1. A governmental body is covered by Chapter 21 if it was created by statute or by executive order, or if it is a local board, council, commission, or other governmental unit exercising policy-making authority. Consequently, a school board or city council is a governmental body covered by Chapter 21, but a non-profit organization or a quasi-public agency most likely is not, even though it may receive public funds or use public buildings (such as political parties, church committees, or homeowner associations).
2. Committees created by the boards, councils, commissions, and bodies covered by Chapter 21 also are required to follow open meetings law if (a) they comprise or their meetings involve a majority of the members of the governmental body itself, or (b) they are formally and directly created by the governmental body and exercise some policy- or decision-making authority. The Iowa Supreme Court has said that policy-making "is more than recommending or advising what should be done. Policy-making is deciding with authority a course of action." Mason v. Vision Iowa Board, 700 N.W.2d 349 (Iowa 2005).
3. Iowa Code sections 21.2(1)(e) and (h), require advisory bodies created by the governor, by the General Assembly, by statute, or by executive order to develop and make recommendations on public policy issues to follow Chapter 21.
4. The Iowa Public Information Board has determined that an "executive order" would mean creation by formal action of the governing body, such as a city council or school board.

Finally, two other points should be remembered with regard to government bodies:

1. **Even if a committee does not come under the provisions of Chapter 21, it may still hold public sessions. Closed meetings are not mandated.**
2. **The correspondence, minutes, records, and recordings of a government body or a committee generally are subject to the provisions of Chapter 22, the open records law, even if the committee is not covered by Chapter 21.**

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Did You Know that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of August 2020, 45 contacts were made with the Iowa Public Information Board office.

TYPE	August 2020
Formal complaints	12
Advisory opinions	0
Declaratory orders	0
Informal complaints	5
Informal requests	21
Miscellaneous	7
TOTAL:	45

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 IPIB website. In 2020, 544 identifiable people have contacted the IPIB. Of these, 249 were private citizens, 231 were government officials or employees, and 64 were members of the media. In 2020, 69% of the incoming contacts were resolved the first day, 13% were resolved in one to five days, and 18% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – www.ipib.iowa.gov.