



IPIB

Iowa Public Information Board

Providing a free, efficient way for Iowans to receive information and resolve complaints related to chapters 21 and 22, Iowa's open meetings and public records laws.

From the Executive Director –

There have been a lot of changes this year at IPIB. Margaret Johnsn retired in April after serving IPIB since its inception. Since, April IPIB has had several changes besides a new Executive Director. In July, IPIB upgraded to a fully electronic case management system. Since July, this has allowed individuals to file questions and complaints directly into the system, enabling efficiencies to IPIB. IPIB is also able to better track and analyze the types of formal questions and complaints coming in to the agency as well as the outcomes of Complaints and other data.

As part of the overall state-wide web redesign, IPIB continues to work to ensure all of our Advisory Opinions, Board materials, and Formal Complaint decisions are easily accessible and searchable on the site. In 2023, we also worked to increase training opportunities and outreach and participated in 10 events from June to December.

In 2024, we expect Formal Complaints will continue to increase. We will continue to work to provide additional training opportunities, including uploading training videos on our website focused on open meetings and public records requirements as well as IPIB's advisory opinions and common questions received. IPIB is also taking steps to conduct our board meetings electronically, enabling livestreaming and archives of the meetings. IPIB is a small agency, but will continue to focus on greater outreach and transparency to meet the mission of IPIB established since its inception: to be an inexpensive and convenient, one-stop service providing consistent and uniform information on Iowa Code chapters 21 and 22.

Erika Eckley, J.D., M.P.A.
Executive Director

2023 at a Glance:

137

**Formal
Complaints**

8

**Advisory
Opinions**

10

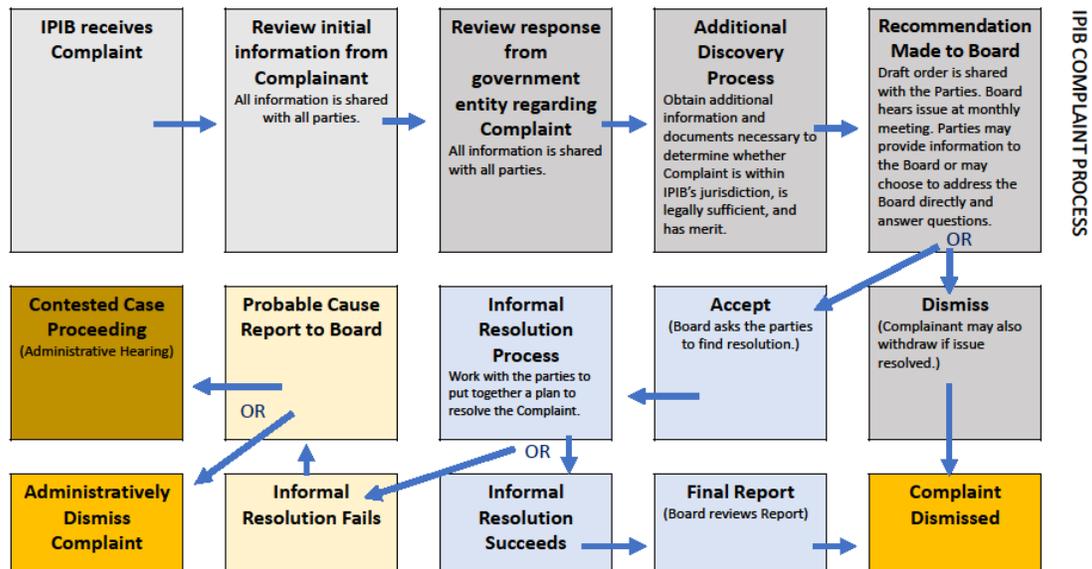
**Training
Sessions**

12

**Board
Meetings**

Complaints

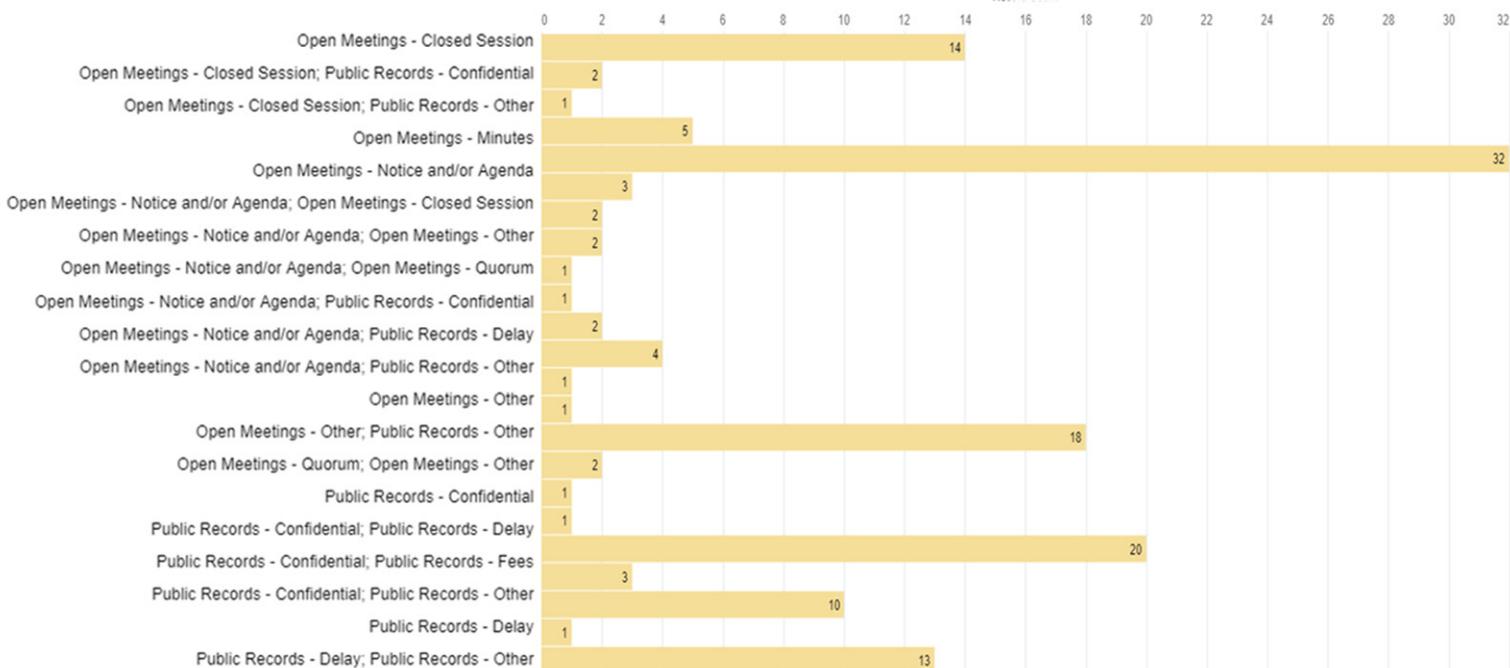
IPIB received 137 Formal Complaints in 2023. This was an increase over 2022. The Complaints involved governmental bodies of all kinds and covered slightly more public records issues than open meetings. Of the Formal Complaints filed in 2023, there were 47 Formal Complaints still open at the end of the year primarily to complete the intake or achieve an informal resolution

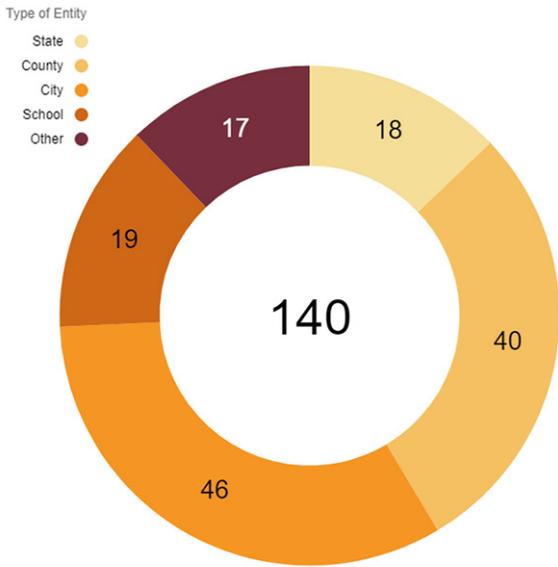


At year's end, there were no contested case proceedings pending. Two cases are on appeal in the district court. One concerned a public record (chapter 22) request to the City of Altoona Police Department. The other involves a closed session under Iowa Code section 21.5(1)(c) To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

IPIB also issued 8 Advisory Opinions on issues such as when legal fees can be charged as actual costs of a public records request; cybersecurity and electronic records requests; and guidance on the "draft document" exception to public records.

With the new case management system fully operational in August, IPIB has been able to track formal questions and complaints that have been submitted. Since August IPIB, has reviewed 15 complaints that were not opened due to a lack of jurisdiction; answered 15 questions either through issuing an advisory opinion or providing guidance regarding the law; 23 Complaints have been resolved; 67 Complaints were Resolved; 6 Complaints were Resolved through the Informal Settlement process under the direction of the Board; and 6 Complaints reached the Probable Cause stage.





Includes 140 as some Complaints were consolidated.

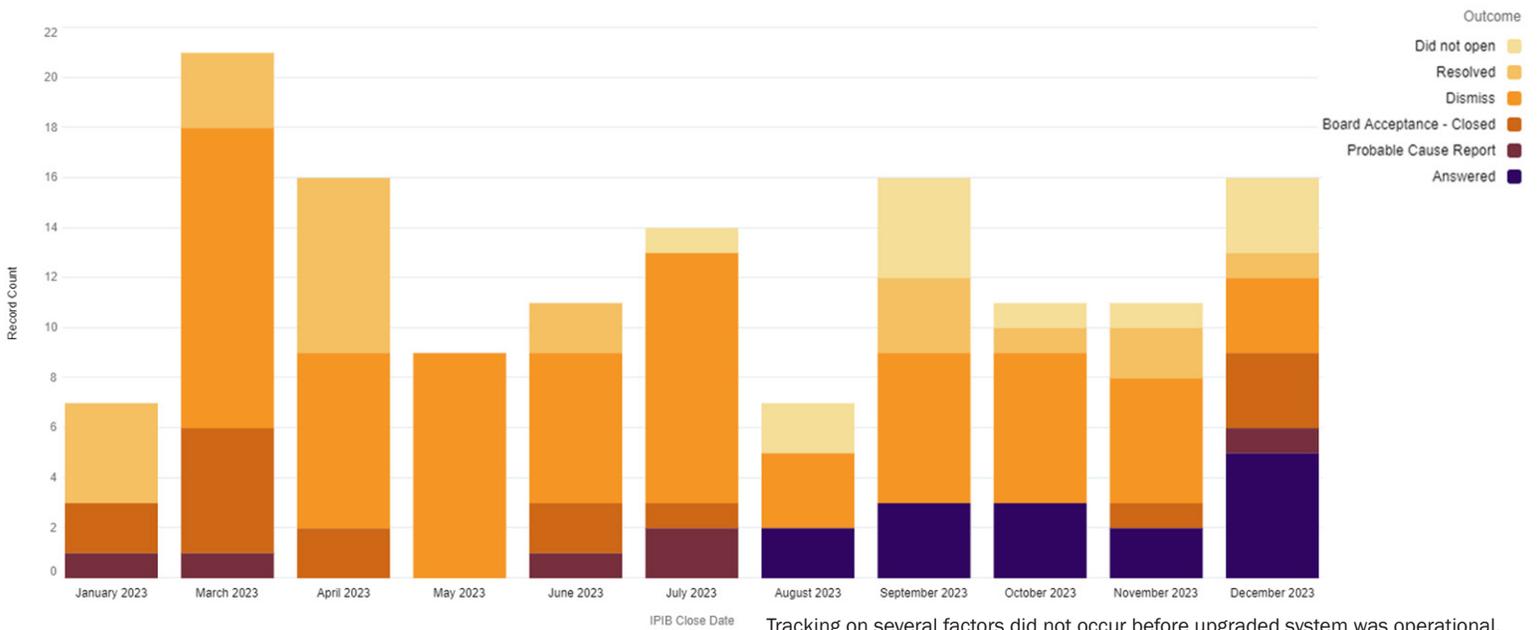
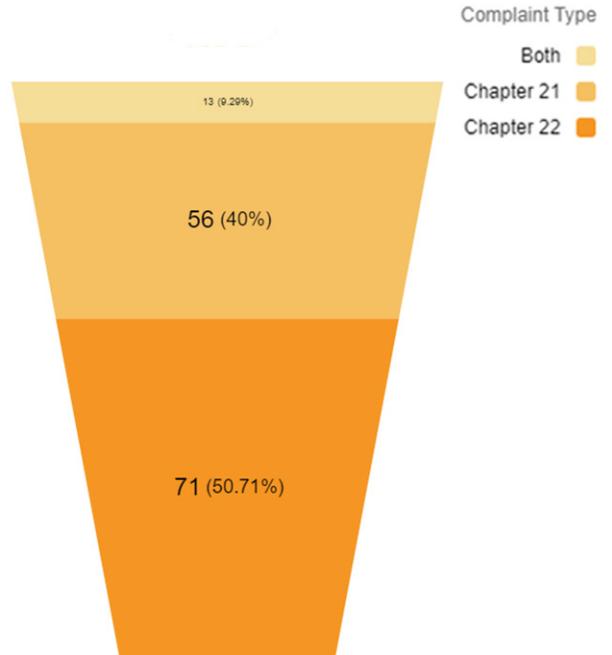
compromise that satisfied both parties. Most settlements require training and a focus on addressing the cause of the Complaint with a focus on reducing community conflict and increasing government transparency.

While the numbers were not formally tracked in 2023, IPIB continues to provide informal guidance and assistance to citizens in obtaining records or accessing meetings and governmental bodies in the interpretation of Chapters 21 and 22. These informal requests require review and research, including occasional mediation assistance from IPIB. They do not require Board review and action under the Rules.

The most common area for Formal Complaints and Questions were for public notice and agendas and closed sessions under Iowa Code chapter 21 and for delays and confidential documents under chapter 22.

Formal Complaints were distributed across all governmental bodies. Thirty-three percent were filed against cities, 29% were against counties, 14% against school boards, 13% against state agencies, and 12% against other types of entities, such as library boards or townships.

IPIB continues to work to settle Complaints where appropriate, with the Board staff negotiating a



Tracking on several factors did not occur before upgraded system was operational.

All Formal Complaint Orders, Advisory Opinions, and Board Agendas and Minutes are available on IPIB's website.
www.ipib.iowa.gov

The Board

Iowa Code chapter 23 states no more than three members of the nine-member board shall represent the media and not more than three shall represent cities, counties, or other local governments. The members serve staggered four-year terms. The Board must be balanced by political party and gender. The Board appoints a chair and vice chair from among its members. The Board is an independent agency.

In 2023, the Board met for twelve monthly meetings. In 2024, three members' current terms will be ending, with the current vacant position, this will mean four appointments to the Board will be needed.

- **Daniel Brietbarth, JD, Des Moines – (Government Representative) (Republican) (2022-2026)** – Dan is the Assistant Attorney General for Legislative Affairs with the Attorney General, Brenna Bird. He previously was an Assistant County Attorney in Boone, and a graduate of Iowa State University and Drake Law School.
- **Joan Corbin, Pella – (Government Representative) (Democrat) (2020-2024)** – Joan is a community volunteer and serves on the Pella Community School District Board. She currently serves as the President of the school board and is in her fifth term with the district. She served on the Iowa Association of School Boards for 12 years, including two years as President, just completing her last year in December of 2022.
- **E.J. Giovannetti, JD, Urbandale – (Public Representative) (Republican) (2022-2026)** – E.J. is currently active as an attorney for Hopkins & Huebner, P.C. and has been a public servant for the past 40 years, including being Mayor of the City of Urbandale (20 years) and member of the Board of Supervisors (10 years).
- **Barry A. Lindahl, JD, Dubuque – (Vice Chair) (Government Representative) (Democrat) (2020-2024)** - Barry served in the City of Dubuque City Attorney's Office from 1975 to the present. He was City Attorney from 1983 to 2016. He is now Senior Counsel. Barry was a University of Iowa College of Law Adjunct Faculty Member from 1978-2018. Barry is the author of West Publications Iowa Practice: vol.9-10 Civil Practice Forms and vol.11-12 Civil and Appellate Procedure.
- **Joel McCrea, Pleasant Hill – (Media Representative) (Republican) (2022-2026)** – Joel McCrea is the former General Manager of WHO Radio in Des Moines from 2000 to 2024. He also worked at radio stations in Oelwein, Waterloo and Newton over his 44 year career in broadcasting. He currently works for a West Des Moines Advertising Agency.
- **Monica McHugh, CPA, Zwingle, (Chair) (Public Representative) (Republican) (2022-2026)** – Monica is Regional Controller for Sonac USA LLC in Maquoketa, IA and owns JM Farm Accounting, a small tax and accounting practice. She also serves as chair of the Jackson County Zoning Board of which she has been a member of since 2010.
- **Julie Pottorff, JD, Des Moines, (Public Representative) (Democrat) (2020-2024)** – Julie worked in the Iowa Department of Justice over thirty years. She joined the Department in 1979 as a staff attorney, was appointed as the Division Director for the Administrative Law Division in 1990, and then appointed as a Deputy Attorney General in 1994. She retired from the Department in 2013.
- **Jackie Schmillen, Urbandale (Media Representative) (Democrat) (2022-2026)** - Jackie has been a broadcast journalist for nearly 20 years throughout the state of Iowa. She has worked in promotions, producing, writing, editing, reporting and anchoring with local TV newscasts. Jackie now works as the Director of Public Affairs for the Iowa National Guard.
- **Vacant, (2020-2024)** - since January 2022 due to the resignation of a Board member.

IPIB strives to model government transparency. IPIB routinely sends notice out earlier than the required 24 hours prior to all meetings and to anyone who requests. Over 150 citizens, media, and agencies are sent meeting notices, board packets, and other information related to IPIB activities.

Board Staff



Erika Eckley, JD, MPA, was named the Executive Director on March 3, 2023. Previous to this appointment, she worked for Iowa-based Intoxalock and the Iowa Hospital Association. She received a bachelor's degree in Creative and Performing Arts from Grand View University, a Master's of Public Administration from Iowa State University and a law degree from Drake Law School. Her prior legal experience includes staff attorney with the Center for Agricultural Law and Taxation, and attorney with Wiedenfeld and McLaughlin.

Brett J. Toresdahl, CPM, serves as Deputy Director for the Board. He received his bachelor's degree in Political Science from Iowa State University. Prior to coming to work with the Board in July 2017, he led the ISBA Public Service Project as its Executive Director for 24 years working on pro bono and access to justice issues. Before that he served a term as Executive Assistant in the Office of Lieutenant Governor in Iowa which at that time was a stand-alone state agency and served as the President of the Senate. In 2019, he earned the Certified Public Manager designation through Drake University.



Daniel M. Strawhun, JD, serves as legal counsel for the Board. He received his juris doctor from the University of Iowa College of Law and his bachelor of arts in English from the University of Missouri-St. Louis. Prior to his current position, Daniel worked as a business litigation associate at a law firm in Sioux City, Iowa. He also served as a board member on the Sioux City Parks & Recreation Advisory Board. During law school, Daniel worked as a judicial extern for the Honorable Thomas D. Waterman, Associate Justice of the Iowa Supreme Court. Daniel joined the IPIB staff in December 2022.

Reviewed and approved on January 18, 2024
Monica McHugh, Chair

“The intervention of the Iowa Public Information Board (IPIB) did make a difference. I want to thank Director Eckley and the IPIB for your time and attention to my complaint.”- citizen from Southwest Iowa

“Thank you very much for leading the ‘Sunshine Laws’ training session ... [We] were very pleased with the participation from city and county boards and commissions and numerous elected officials. We all learned something together today.” - county official

“Thank you very much for the time and effort this advisory opinion involved.”- citizen from central Iowa

“On behalf of the staff, the city council and the newly elected officials, I would like to thank you for coming to give the presentation/training. The information presented will benefit all of us.” - city clerk
