

IOWA PUBLIC INFORMATION BOARD

MEMBERS

Daniel Breitbarth, Des Moines (Government Representative, 2022-2026)

Joan Corbin, Pella (Government Representative, 2024-2028)

E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)

Barry Lindahl, Dubuque (Government Representative, 2024-2028)

Luke Martz, Ames (Public Representative, 2024-2028)

Joel McCrea, Pleasant Hill (Media Representative, 2022-2026)

Monica McHugh, Zwingle (Public Representative, 2022-2026)

Jackie Schmillen, Urbandale (Media Representative, 2022-2026)

vacant

STAFF

Erika Eckley, Executive Director

Brett Toresdahl, Deputy Director

Use the following link to watch the IPIB meeting live:

<https://youtube.com/@IowaPublicInformationBoard>

Note: If you wish to make public comment to the Board, please send an email to IPIB@iowa.gov prior to the meeting.

Agenda

May 16, 2024, 1:00 p.m.

2nd Floor N/S Conference Room

Wallace Building

502 East 9th Street, Des Moines

1:00 PM – IPIB Meeting

- I. Approval of agenda*
- II. Approval of the April 18, 2024 minutes *
- III. Public Forum (5-minute limit per speaker)
- IV. Comments from the board chair. (McHugh)

- V. Legislative Committee – (Eckley)
 - Letter to Governor re: HF2539 *
 - Discussion of possible advisory opinions

- V. Advisory Opinion – Deliberation/Action.
 1. **None**

- VI. Cases involving Board Deliberation/Action. (Eckley)
 1. 24FC:0026 Dan Nugteren – Chapter 21- South Central Regional Airport Agency – 3/7/24 – * Dismissal
 2. 23FC:0083 Brendan Chaney – Chapter 21 – City of Iowa Falls – 8/14/23 – * Probable Cause Report
 3. 23FC:0130 Keegan Jarvis – Chapter 21 – Swan City Council 11/27/23 – * Informal Resolution Report
 4. 24FC:0009 Brett Christensen – Chapter 21 – City of Silver City – 1/23/24 – * Informal Resolution Report
 5. 24FC:0016 Valerie Close – Chapter 21 – Benton Co. Board of Supervisors – 2/8/24 - * Dismissal

6. 24FC:0019 Kenneth Brown – Chapter 21 – City of Sidney – 2/21/24 – * Dismissal
7. 24FC:0022 Maher Waad – Both Chapters – Des Moines Airport Authority – 2/26/24 - * Dismissal
8. 24FC:0023 Shawn Shearer – Chapter 22 – City of Iowa City - 2/19/24 – * Dismissal
9. 24FC:0027 Valerie Close – Chapter 21 – Benton Co. Board of Supervisors – 3/8/24 – * Dismissal
10. 24FC:0033 Amy Hagan – Chapter 21 – Oskaloosa School District – 4/9/24 – * Dismissal
11. 24FC:0039 Steven Menke – Chapter 22 – Kossuth County Board of Supervisors – 4/9/24 – * Dismissal

VII. Matters Withdrawn, No Action Necessary. (Eckley)

1. 24FC:0025 Dana Sanders – Both Chapters – Benton Co. Board of Supervisors*

VIII. Pending Complaints. Informational Only (Eckley)

1. **23FC:0053** Debra Schiel-Larson – Both Chapters – Indianola Community School District – 5/1/23 *
Report
2. **23FC:0060** Dina Raley - Chapter 22- Delaware County Sheriff 6/16/2023 - Pending
3. **23FC:0074** Chad Miller - Chapter 21- Scott County Board of Review 7/18/2023 – Pending
4. **23FC:0107** Dana Sanders – Both Chapters – Benton Co. Board of Supervisors 10/31/23; **23FC:0109**
Valerie Close 11/3/23; **23FC:0110** Lu Karr 11/4/23; **23FC:0113** Molly Rach 11/5/23; **23FC:0121**
Adam Carros – Chapter 21 – Benton Co. Bd. of Supervisors 11/17/23 – Pending
5. **23FC:0114** John Bandstra – Chapter 21 – South Central Regional Airport Agency 11/6/23; **23FC:0115**
Bert Bandstra – Chapter 21 – South Central Regional Airport Agency 11/10/23; **23FC:0122** Jack Rempé
– Chapter 21 – South Central Regional Airport Agency 11/17/23; **23FC:0123** Drew McGee – Chapter
21 – South Central Regional Airport Agency 11/17/23 – Pending
6. **23FC:0126** Tracy Stillwell – Chapter 22 – Hampton Public Library 11/19/23 – Pending
7. **24FC:0010** Tirzah Wedewer – Chapter 21 – Manchester City Council – 1/29/24 – Information
Gathering
8. **24FC:0013** Bonnie Castillo – Both Chapters – Union Co. Emergency Management Agency – 2/2/24 –
Pending
9. **24FC:0014** Keegan Jarvis – Chapter 22 – Swan City Council – 2/6/24 – Information Gathering
10. **24FC:0017** Latrice Lacey – Chapter 22 – City of Davenport – 2/12/24 – Pending
11. **24FC:0018** Zach Vulich – Chapter 22 – City of Leland – 2/13/24 – Pending
12. **24FC:0031** Regina Warnke; Jessie Austin; Chandra Swink – Chapter 22 – City of Urbana – 4/16/24 –
Information Gathering
13. **24FC:0032** Old Davenport Dump – Chapter 21 – City of Davenport – 3/28/24 – Information Gathering
14. **24FC:0034** Keegan Jarvis – Chapter 21 – Swan City Council – 4/9/24 – Information Gathering
15. **24FC:0035** Shaylea Caris – Chapter 21 – Shelby City Council – 3/23/24 – Information Gathering
16. **24FC:0036** Jason Foust; Katie Milhollin – Chapter 21 – City of Eldridge – 3/27/24 – * Dismissal
17. **24FC:0037** Christine Knapp – Chapter 22 – Henry Co. Sheriff Dept. – 4/15/24 – Information Gathering
18. **24FC:0038** Joe Monahan – Chapter 22 – Ames Public Library – 4/17/24 – Information Gathering
19. **24FC:0040** James Warnke; Jamie Slife – Chapter 22 – City of Urbana – 4/28/24 – Information
Gathering
20. **24FC:0041** Laurie Kramer; Nancy Preussner; Emily Preussner – Chapter 21 – 4/23/24 – Information
Gathering

IX. Committee Reports

1. Communications – (Toresdahl) –
2. Legislative – (Eckley)

3. Rules – (Eckley)

X. Office status report.

1. Office Update * (Eckley) -
2. Financial/Budget Update (FY23) * (Toresdahl)
3. Presentations/Trainings (Eckley) –
 - Iowa Municipal Officials Academy
 - Swan City Council
 - Silver City Council
 - Delaware County
 - Benton County
4. District Court Update (Eckley)
5. Executive Director Annual Review (McHugh)

XI. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room
June 20, 2024 at 1:00 p.m.

XII. Adjourn

*** Attachment**

IOWA PUBLIC INFORMATION BOARD

April 18, 2024

Unapproved Minutes

The Board met on April 18, 2024 for its monthly meeting at 1:00p.m. in the 3rd floor E/W Conference Room in the Wallace Building with the following members participating: Joan Corbin, Pella; E. J. Giovannetti, Urbandale; Barry Lindahl, Dubuque (remote); Joel McCrea, Pleasant Hill; Monica McHugh, Zwingle; Julie Pottorff, Des Moines. Absent: Daniel Breitbarth, Des Moines; Jackie Schmillen, Urbandale. Also present were IPIB Executive Director Erika Eckley; Brett Toresdahl, Deputy Director. A quorum was declared present.

Others identified present or by phone: Andrew Kida, Suzi Knipfel, Casey Kaska, Dana Sanders, Dawn Arispe, Megan Rosenberg, Kristy Latta, Holly Corkery, Amy Beattie, Tami Wienciek, Bonnie Castillo, Charles Nocera, Nathan Reckman.

On a **motion** by Giovannetti, **second** by McCrea, the agenda was unanimously adopted 6-0.

On a **motion** by Pottorff, **second** by Corbin, to approve the March 21, 2024 minutes. Unanimously adopted 6-0.

Public Forum – None.

Board Chair Comments – This was the final meeting for long serving board member Julie Pottorff. The chair presented her with a certificate of appreciation and a small gift.

Advisory Opinions – no action

1. **24AO:0002** Relaxeddissident – Chapter 22 requirements for MFPRSI records. A motion by Giovannetti and second by Pottorff to approve the Advisory Opinion. Unanimously approved, 6-0.

The board was briefed on cases and took action as indicated:

1. 23FC:0100 Travis Johnson – Chapter 21 – Eddyville Blakesburg Fremont CSD Board 10/18//23 – A motion by Corbin and second by Lindahl to approve the final report and dismissal the complaint as satisfactorily resolved. Unanimously approved, 6-0.
2. 23FC:0105 Jeff Law/Kourtnee Mammen – Chapter 21 – River Valley School Board 10/29/23 – Kristy Latta spoke. A motion by McCrea and second by Giovannetti to approve the final report and dismissal the complaint as satisfactorily resolved. Unanimously approved, 6-0.
3. 23FC:0118 Leah Schwery – Both Chapters – City of Ute 11/9/23 – A motion by Corbin and second by Pottorff to accept the probable cause report and dismiss the complaint as a matter of administrative discretion. Unanimously approved, 6-0.
4. 23FC:0126 Tracy Stillwell – Chapter 22 – Hampton Public Library 11/19/23 – Tracy Stillwell, Megan Rosenberg, Suzi Knipfel spoke. A motion by McCrea and second by Lindahl to approve the acceptance order. Unanimously approved, 6-0.

5. 24FC:0003 Andrew Kida – Chapter 22 – Clinton County – 1/6/24 – Andrew Kida and Holly Corkery spoke. A motion by Pottorff and second by Giovannetti to approve the dismissal order. Unanimously approved, 6-0.
6. 24FC:0013 Bonnie Castillo – Both Chapters – Union Co. Emergency Management Agency – 2/2/24 – Bonnie Castillo, Jo Duckworth, Paul Gruth spoke. A motion by Pottorff and second by Corbin to approve the acceptance order. Unanimously approved, 6-0.

Note: Lindahl left meeting at 2:20 PM

7. 24FC:0018 Zach Vulich – Chapter 22 – City of Leland – 2/13/24 – Zach Vulich and Dawn Arispe spoke. A motion by McCrea and second by Giovannetti to approve the acceptance order. Unanimously approved, 5-0.
8. 24FC:0020 Charles Nocera – Chapter 22 – Dept. Administrative Services – 2/21/24 – Charles Nocera and Nathan Reckman spoke. A motion by Pottorff and second by Giovannetti to dismiss on grounds of administrative discretion because it relies on confidential data and for more time to research access to computer data as a public record. Unanimously approved, 5-0.

Note: Board took a break at 3:02 PM, resumed at 3:09 PM

9. 24FC:0021 Kathryn Crumly – Both Chapters – City of Grandview – 2/26/24 – A motion by Pottorff and second by McCrea to approve the dismissal order. Unanimously approved, 5-0.
10. 24FC:0026 Dan Nugteren – Chapter 21- South Central Regional Airport Agency – 3/7/24 – Dan Nugteren and Amy Beatie spoke. A motion by Pottorff and a second by McCrea to approve the dismissal order. No vote, the matter was tabled for lack of a quorum due to Corbin’s recusal from the vote.
11. 24FC:0030 Leah Schwery – Chapter 21 – City of Ute 3/17/24 – A motion by Pottorff and second by Giovannetti to approve the dismissal order. Unanimously approved, 5-0.
12. 24FC:0028 Danny Jensen – Chapter 22 – Fort Dodge Police Dept. – 3/12/24 – Danny Jensen spoke. A motion by Pottorff and second by Corbin to approve the dismissal order. Unanimously approved, 5-0.

Matters Withdrawn. No Action -

1. **24FC:0024** Megan Remmel – Chapter 22 – Iowa Medical Examiner – 3/6/24 – withdrawn

Pending complaints that required no board action. Informational

1. 23FC:0053 Debra Schiel-Larson – Both Chapters – Indianola Community School District – 5/1/23 Report
2. 23FC:0060 Dina Raley - Chapter 22- Delaware County Sheriff 6/16/2023 - Pending
3. 23FC:0074 Chad Miller - Chapter 21- Scott County Board of Review 7/18/2023 – Pending

4. 23FC:0083 Brendan Chaney – Chapter 21 – City of Iowa Falls – 8/14/23 – Pending Informal
5. 23FC:0107 Dana Sanders – Both Chapters – Benton Co. Board of Supervisors 10/31/23; 23FC:0109 Valerie Close 11/3/23; 23FC:0110 Lu Karr 11/4/23; 23FC:0113 Molly Rach 11/5/23; 23FC:0121 Adam Carros – Chapter 21 – Benton Co. Bd. of Supervisors 11/17/23 – Pending
6. 23FC:0114 John Bandstra – Chapter 21 – South Central Regional Airport Agency 11/6/23; 23FC:0115 Bert Bandstra – Chapter 21 – South Central Regional Airport Agency 11/10/23; 23FC:0122 Jack Rempe – Chapter 21 – South Central Regional Airport Agency 11/17/23; 23FC:0123 Drew McGee – Chapter 21 – South Central Regional Airport Agency 11/17/23 – Pending
7. 23FC:0130 Keegan Jarvis – Chapter 21 – Swan City Council 11/27/23 – pending
8. 24FC:0009 Brett Christensen – Chapter 21 – City of Silver City – 1/23/24 – Pending
9. 24FC:0010 Tirzah Wedewer – Chapter 21 – Manchester City Council – 1/29/24 – Information Gathering
10. 24FC:0014 Keegan Jarvis – Chapter 22 – Swan City Council – 2/6/24 – Information Gathering
11. 24FC:0016 Valerie Close – Chapter 21 – Benton Co. Board of Supervisors – 2/8/24 – Information Gathering
12. 24FC:0017 Latrice Lacey – Chapter 22 – City of Davenport – 2/12/24 – Pending
13. 24FC:0019 Kenneth Brown – Chapter 21 – City of Sidney – 2/21/24 – Information Gathering
14. 24FC:0023 Shawn Shearer – Chapter 22 – City of Iowa City - 2/19/24 – Information Gathering
15. 24FC:0025 Dana Sanders – Both Chapters – Benton Co. Board of Supervisors – 3/7/24 – Information Gathering
16. 24FC:0027 Valerie Close – Chapter 21 – Benton Co. Board of Supervisors – 3/8/24 – Information Gathering
17. 24FC:0031 Shaylea Caris – Chapter 21 – Shelby City Council – 3/23/24 -Information Gathering
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19. 24FC:0033 Amy Hagen – Chapter 21 – Oskaloosa School District – 4/9/24 – Information Gathering
20. 24FC:0034 Keegan Jarvis – Chapter 21 – Swan City Council – 4/9/24 – Information Gathering

Committee Reports

1. Communications – No report
2. Legislative – Eckley gave an updated report of current bills and status to the Board.
3. Rules – No report

Updates for the board.

- a. Eckley provided an office update and current statistics. Toresdahl shared that he would be leaving the agency within two to three months to relocate to another state.

- b. Toresdahl shared the FY24 financials. We are looking to upgrade technology before the end of the FY.
- c. Upcoming presentations:
 - Iowa Municipal Officials Academy
 - Swan City Council

- e. A district court case:
 - Van Pelt appeal -
 - Ward appeal –
 - Swarm case –

The next IPIB meeting will be in the Wallace Building, **2nd Floor, N/S Conference Room**, May 16, 2024 at 1:00 pm.

At 3:45 p.m. the meeting adjourned on a motion by Pottorff and a second by McCrea. Unanimously approved.

Respectfully submitted
Brett Toresdahl, Deputy Director

IPIB, Chair
Approved



502 East 9th Street

Des Moines, Iowa 50319

www.ipib.iowa.gov

Erika Eckley, JD

Executive Director

(515) 725-1783

erika.eckley@iowa.gov

May 3, 2024

The Honorable Kim Reynolds, Governor of Iowa
1007 East Grand Avenue
Des Moines, IA 50319

Dear Governor Reynolds,

I am writing today on behalf of the Iowa Public Information Board (IPIB) to share its analysis regarding language included in HF 2539 as you review the enrolled legislation.

The IPIB was created by Iowa Code chapter 23 to provide an alternative means by which to secure compliance with and enforcement of the requirements of Iowa Code chapters 21 and 22 through the provision to all interested parties of an efficient, informal, and cost-effective process for resolving disputes. The IPIB comprises nine Board members appointed by the governor and confirmed by the Senate.

Specifically, the IPIB wanted to bring your attention to the following amendment to Iowa Code § 21.2(2):

"Meeting" does not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter, or a gathering including members of a local governmental body that is hosted or organized by a political party, political candidate, or civic organization.

The language, above, appears to be contrary to the stated intent of the legislature when passing HF 2539. The IPIB originally worked with the legislature on this bill when it was promoting education on the requirements of Iowa's open meetings and public records law. This last-minute amendment changes the purpose of the bill and will significantly reduce government transparency, if enacted.

Based on the explanation during floor debate¹, the intent of the amendment S-5184 to HF 2539 was to allow members of a governmental body to have clear direction they could attend political and civic events without concern for violating the open meetings law. The legislature's stated intent was also to ensure that attendance at political and social events required the same prohibition on deliberation on public policy issues that social and ministerial events require. The amended language is unnecessary, as the IPIB's experience with Iowa's open

¹ Senate- <https://www.legis.iowa.gov/dashboard?view=video&chamber=S&clip=s20240418011231560&dt=2024-04-18&offset=990&bill=HF%202539&status=i&ga=90>

House- <https://www.legis.iowa.gov/dashboard?view=video&chamber=H&clip=h20240418111415287&dt=2024-04-18&offset=1917&bill=HF%202539&status=i&ga=90>

Board Members

Daniel Breitbarth ● Joan Corbin ● E. J. Giovannetti ● Barry Lindahl ● Joel McCrea

Monica McHugh ● Luke Martz ● Jackie Schmillen ● vacant

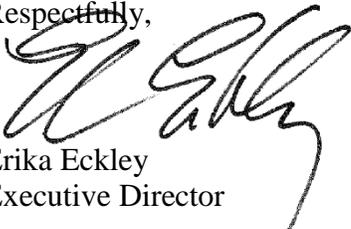
meetings law shows, there is no need for this change in the law. Currently, members of a government body are able to attend social, political and civic events so long as they avoid deliberation on policy issues within their policy-making duties.

The amended language, however, goes beyond mere attendance at an event and creates a separate and distinct exception excluding from the open meetings definition any local governmental body's members participation and deliberation at any civic or political event. The prohibition on deliberation is wholly absent from the drafted exclusionary clause. The language, as drafted and passed in HF 2539, now allows government bodies and their members to engage in deliberation at private, civic and political events rather than as intended under Iowa law in an open, public meeting.

Based on this new exception to the definition of a meeting under Iowa Code chapter 21, government bodies can now meet privately, and without any limitations on deliberation on public matters, without violating the open meetings law. This language is in direct conflict with the transparency requirements of Iowa's sunshine laws and will create an enormous loophole for government bodies to allow for decisions to be made in secret avoiding public consideration and disclosure, which is contrary to ensuring accountability of government to Iowans and the legislative intent behind the legislation.

We appreciate the opportunity to share the IPIB's concerns regarding the detrimental impact HF 2539 will have on Iowa's open meetings requirements. We are happy to meet to discuss HF 2539 in more detail if you would like more information or have any questions or concerns.

Respectfully,



Erika Eckley
Executive Director

Bills signed by the governor

- **SF2433** IPIB Appropriation \$362,101 FTEs 3.20. **Effective date 7/1/24**
- **SF 2096** Eliminates gender balance requirements for appointive bodies. **Effective date 7/1/24**
- **SF 2331** Provides a newspaper must post public notices on its website (if it has one) and provide free access, through a conspicuous link, to the public notices (not behind a paywall). If no newspaper is published in the jurisdiction, the government entity may use another newspaper that meets statutory requirements to post notices.

The Iowa Newspaper Association must provide public notices on its statewide website, notice on the newspaper's website is considered valid notice and any publishing issues does not impact the government body's notice. If a newspaper refuses to publish, a government body may satisfy the requirement by posting on its internet site and sending to each county in which notice is to be given and to the INA statewide website. A newspaper may not charge for proof of publication to a government body. **Various effective dates.**

Direct impact to IPIB: A dispute arising between a government body and a newspaper regarding the publication of a notice or report of proceedings under this chapter shall be heard by the Iowa public information board as a contested case proceeding pursuant to chapter 17A. The Iowa public information board shall award the prevailing party reasonable costs and attorney fees. Effective date 7/1/24

Not yet signed by the governor

- **HF 2539** Increases penalties for chapter 21 infractions to \$500-2500 for participation in violations and for “knowing violation,” penalties increased to \$5,000-\$12,500. Also eliminates from the definition of a “meeting” a government body participating in a political event, with a political candidate, or a civic organization. Does not have a limitation on deliberation during these gatherings. Legislative Committee sent letter with concerns to the Governor’s office.
- **SF 2385** General board and commissions bill-
Specific to IPIB §§ 78-80 amend Iowa Code § 21.8

“A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings.” No requirement to state in the minutes why an in-person meeting was impossible or impractical.

New definitions:

a. “Hybrid meeting” means a meeting involving both remote participation and in-person participation by members.

b. "Remote participation" means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.

c. "Teleconference participation" means participation using audio conference tools involving multiple participants in at least two separate locations.

d. "Virtual meeting" means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

This section effective date 7/1/24

The Iowa Public Information Board

In re the Matter of: Dan Nugteren, Complainant And Concerning: South Central Regional Airport Agency, Respondent	Case Number: 24FC:0026 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On March 7, 2024, Dan Nugteren filed formal complaint 24FC:0026, alleging that South Central Regional Airport Agency (SCRAA) violated Iowa Code chapter 21.

Facts

Mr. Nugteren alleges that SCRAA, failed to ‘un-mute’ the telephone system to allow inbound callers to provide public comment during a meeting on March 7, 2024. He provided a copy of the agenda listing an item for public comment. He alleges he has multiple past examples from 2017 and 2019 of trying to provide public input to the Board.

In response the SCRAA states that nothing within Iowa Code chapter 21 requires a governmental entity to allow for public comment during a meeting, but SCRAA did allow for it at the March 7, 2024, meeting. SCRAA provided a copy of the minutes of the meeting, which showed two individuals attended in person and two individuals appeared by phone. No comments were made during the meeting. SCRAA also provided that Pella’s city clerk, Mandy Smith operates the phone for the meeting.

Ms. Smith provided a sworn affidavit that stated the conference call lines are not automatically muted. She did not manually mute the lines. She would only mute the lines if there is a loud disturbance or background noise. She also stated that if a line is muted, there is an automated notice to the caller that they are muted. Because no line was muted, there was no need to unmute anyone during the call.

Minutes provided show the meeting was called to order at noon. The meeting concluded at 12:07 p.m.

Applicable Law

IPIB's Advisory Opinion provides the following:

Iowa Code section 21.7 allows a governmental body to limit public participation at an open meeting:

21.7 Rules of conduct at meetings.

The public may use cameras or recording devices at any open session. Nothing in this chapter shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.

...

The Iowa Attorney General has posted two "Sunshine Advisories" on Iowa Code section 21.7. One states that while the public has the right to observe and record a meeting, they do not have the right to actively participate. The other advises that governmental bodies should encourage public comment by allocating time for public comment, "structured by reasonable rules of conduct, such as advance deadlines for requesting an opportunity to speak, and reasonable time limits for oral comments."

19AO:0004 Iowa Code section 21.7, public comment restrictions at an open meeting

Analysis

While nothing in Iowa Code chapter 21 requires public comment be allowed, if SCRAA provided an opportunity for public comment, it needs to allow the public to participate during that period with reasonable rules and limits. Mr. Nugteren's complaint is that he believes he was unable to provide public comment during a SCRAA meeting because his phone was not "un-muted." The evidence provided by SCRAA, through sworn affidavit, is that no telephone lines were muted by Ms. Smith who controlled the conference call, so there was no impediment within SCRAA's control to Mr. Nugteren providing a comment during that portion of the meeting.

Conclusion

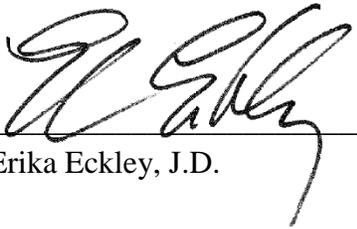
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

There is no evidence SCRAA actions prevented Mr. Nugteren from providing a public comment by telephone at the SCRAA meeting on March 7, 2024.

IT IS SO ORDERED: Formal complaint 24FC:0026 is dismissed as it is without merit pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on April 18, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on April 10, 2024, to:

Dan Nugteren
Amy Beattie, attorney for SCRAA

In re the Matter of: Brendan Chaney, Complainant And Concerning: City of Iowa Falls, Respondent	Case Number: 23FC:0083 Informal Resolution
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COMES NOW Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and respectfully submits this probable cause report for formal complaint 23FC:0083.

Background

On August 14, 2023 Brendan Chaney filed formal complaint 23FC:0083 alleging that the City of Iowa Falls (“City”) violated Iowa Code chapter 21 on July 17, 2023 and July 24, 2023.

Mr. Chaney alleges the City posted an original agenda for a City Council meeting on July 17, 2023, that did not give sufficient information regarding discussion and potential action regarding the operations of the Iowa Falls Police Department Dispatch Center. The agenda simply stated “Discussion and Operations” under “Police Department Operations.” An amended agenda, posted the morning of July 17, 2023, was changed to include “Discussion and Action” under “Police Department Operations.” Mr. Chaney alleges the amended agenda did not provide information sufficient to alert the public regarding the matter under consideration. The amended agenda, he further alleged, was posted less than twenty-four hours prior to the meeting.

Mr. Chaney also alleges the notice for the City Council meeting on July 24, 2023, was posted less than twenty-four hours prior to the meeting. He alleges it was posted on the city’s website the morning of the 4:30 p.m. special meeting. He alleges this meeting was scheduled for an unusual day and time that would not be reasonable for interested parties to attend on such short notice.

Kaci Elkin, City Clerk for the City provided a response for the City. She explained the notice posted for the meeting. The original agenda was sent to *Times-Citizen*, the local paper, on Friday, July 14, 2023, at 10:00 am. On Monday, July 17, 2023 the amended agenda that changed the wording for item #19 from “discussion and operations” to “discussion and action” was sent at 7:52am. Ms. Elkin contends that the Code requires twenty-four hours’ notice “unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.” This would have provided at least 8 hours of notice and only changed one word from the original agenda.

Ms. Elkin shared that the notice for the second meeting was sent to the *Times Citizen* on July 21, 2023, at 3:47 p.m. for the July 24, 2023, meeting. Over 72 hours of notice was given.

Jody Anderson, Administrator for the City provided additional explanation. He stated that the change in the July 17 agenda was due to a clerical error identified by one of the council members. Mr. Anderson provided several other council agendas to illustrate their use of terms “discussion and operation” and “discussion and action.” He stated that the notice of the meetings was posted at the front counter of city hall besides being sent to the newspaper. This is their standard

procedure. Mr. Anderson also explained that the City knew the discussion would be regarding staffing at the dispatch center and the potential that the City may lose its dispatch if it was not able to be fully staffed and operational for twenty-four hours a day, seven days a week.

The formal complaint was accepted by the IPIB on December 21, 2023. Pursuant to Iowa Code §23.9, IPIB staff proposed an informal resolution with the following terms:

1. The Iowa Falls City Council will acknowledge at an open meeting that there are sufficient facts to show that the notice and agenda of the meetings held on July 17, 2023 and July 24, 2023 was insufficient pursuant to Iowa Code §21.4. This acknowledgement shall be recorded in the minutes of said meeting and minutes shall be provided to the IPIB.
2. The Iowa Fall City Council shall conduct training during an open meeting for all Council members and members of the City's staff, and department heads on Iowa Code chapters 21 and 22 (Sunshine Laws). The City shall work with the Iowa League of Cities and the Iowa Public Information Board to provide the training to the Council and staff.
3. The City shall consider best practices to change the location of posting meeting notices that allows the public improved access to the notices.
4. The Iowa Falls City Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of the informal resolution were to be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB would then dismiss this complaint as successfully resolved.

Analysis

IPIB staff reviewed the circumstances explained as part of this complaint. It appears that the city did post their notice at the city hall to meet the requirements under Iowa Code § 21.4(1)(a). The July 17, 2023, notice however was changed with less than twenty-four hours' notice. The city cited the exemption referenced in Iowa Code §21.4(2)(b), but failed to provide an explanation in the minutes of the meeting regarding why the change was necessary. This did not appear to be an emergency action that could not be delayed until the next meeting which was one week later.

The change in the wording of the agenda indicated that it would be a possible action item but still remained vague as to what the action would be considering. In reviewing other agendas from the city in recent meetings, more details are currently being used to clarify the action of the council.

In responding to the Complaint, the City acknowledged that it knew it would be discussing at least the staffing of the dispatch center. The description in the agenda, even after the revision was still vague and would not have given notice to anyone in the community that this was the topic to be considered. The issue is not "whether the notice given by the governmental body could have been improved, but whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation. In determining whether the public was

sufficiently apprised, we may consider the public's knowledge of an issue and actual participation in events in light of the history and background of that issue." KCOB/KLVN, Inc. v. Jasper County Bd. Of Sup'rs, 473 N.W.2d 171, 173 (Iowa 1991).

The evidence provided by Mr. Chaney indicates that the City's dispatch was a controversial topic that had received community involvement and interest in the past. Using such a generic topic when typical descriptions of issues are provided could not reasonably provide notice to the community that the dispatch staffing would be discussed.

The notice for the July 24, 2023 was sent to the paper three days prior. It is unclear whether posting the agenda in the city hall over the weekend was in such a manner as to be visible and provide notice. Regardless, the agenda topic and revised topic were not sufficiently descriptive to give notice regarding a planned discussion on the City's dispatch staffing.

Summary

On December 21, 2023, the Iowa Public Information Board accepted this complaint. IPIB Staff attempted to negotiate an informal resolution with all parties. The terms within the draft informal resolution were adjusted to address the comments from the parties. The complainant, Mr. Chaney, was not agreeable to the terms in the informal resolution. The City of Iowa Falls signed the agreement on March 18, 2024, acknowledging the alleged violation of provisions within Iowa Code chapter 21.

The Council agreed to comply with the training requirements set forth in term #2. The Iowa Falls City Council scheduled and held a training on February 20, 2024, conducted by the Iowa League of Cities. This satisfied the main term within the draft resolution which calls for training during an open meeting for all Council members and City officials, on Iowa Code chapters 21 and 22 (Sunshine Laws). At their March 18, 2024 meeting, the Council acknowledged the violation and approved the informal resolution and the terms which they have completed. Minutes of both meetings were provided to the IPIB.

The Council has completed the recommended remediation terms and provided documentation to IPIB staff. Staff is satisfied that an acceptable resolution has been reached for this complaint without having an informal resolution agreed to.

IPIB Action

The IPIB has several options upon receipt of a probable cause report. According to Iowa Administrative Rule 497 - 2.2(4):

Upon receipt and review of the staff investigative report and any recommendations, the board may:

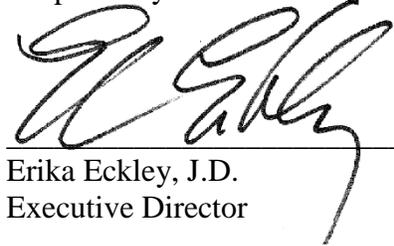
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- d. Make a determination that probable cause exists to believe a violation has occurred, designate a prosecutor and direct the issuance of a statement of charges to initiate a contested case proceeding”.

Recommendation

Based upon investigation of the complaint, I recommend that the IPIB determine probable cause does exist to believe the Iowa Falls City Council did violate Iowa Code chapter 21 by failing to properly notice the Council meeting on July 17, 2023.

I further recommend that this complaint be dismissed in its entirety as an exercise of administrative discretion pursuant to Iowa Administrative Code Rule 497 - 2.2(4)(c), as the Council has completed appropriate remediation pursuant to the request of IPIB staff.

Respectfully submitted this 16th day of May, 2024.



Erika Eckley, J.D.
Executive Director

CERTIFICATE OF MAILING

This document was sent by electronic mail on May 8, 2024, to:

Brendan Chaney
Jody Anderson, Iowa Falls City Administrator

To the Iowa Public Information Board:

I want to make the IPIB aware that I do not agree with informal resolution and the order for dismissal for the following reasons:

1. At your December 21, 2023 meeting, the motion made was: "Recommendation to address the potential what we see as likely violations based on the vagueness of the agenda on the 17th and now that we have confirmation that the public could not see from the counter the agenda for the 24th did not have 24-hour notice to the public." This statement is taken directly from the audio from the December 21, 2023 meeting.

In the current order under recommendations, the July 17th meeting is referenced but there is no mention of the July 24th meeting even though the board's motion included both. The July 24th meeting should be acknowledged by the city just as the July 17th meeting was required.

2. As for the 2nd requirement, the training did take place on February 20, 2024 but only included the Council members and members of the City's staff. The department heads were not included in this training and did not attend the training as was stated in the last resolution document, wording below.

"The Iowa Falls City Council shall conduct training during an open meeting for all Council members and members of the City's staff, and **department heads** on Iowa Code chapters 21 and 22 (Sunshine Laws). The City shall work with the Iowa League of Cities and the Iowa Public Information Board to provide the training to the Council and staff."

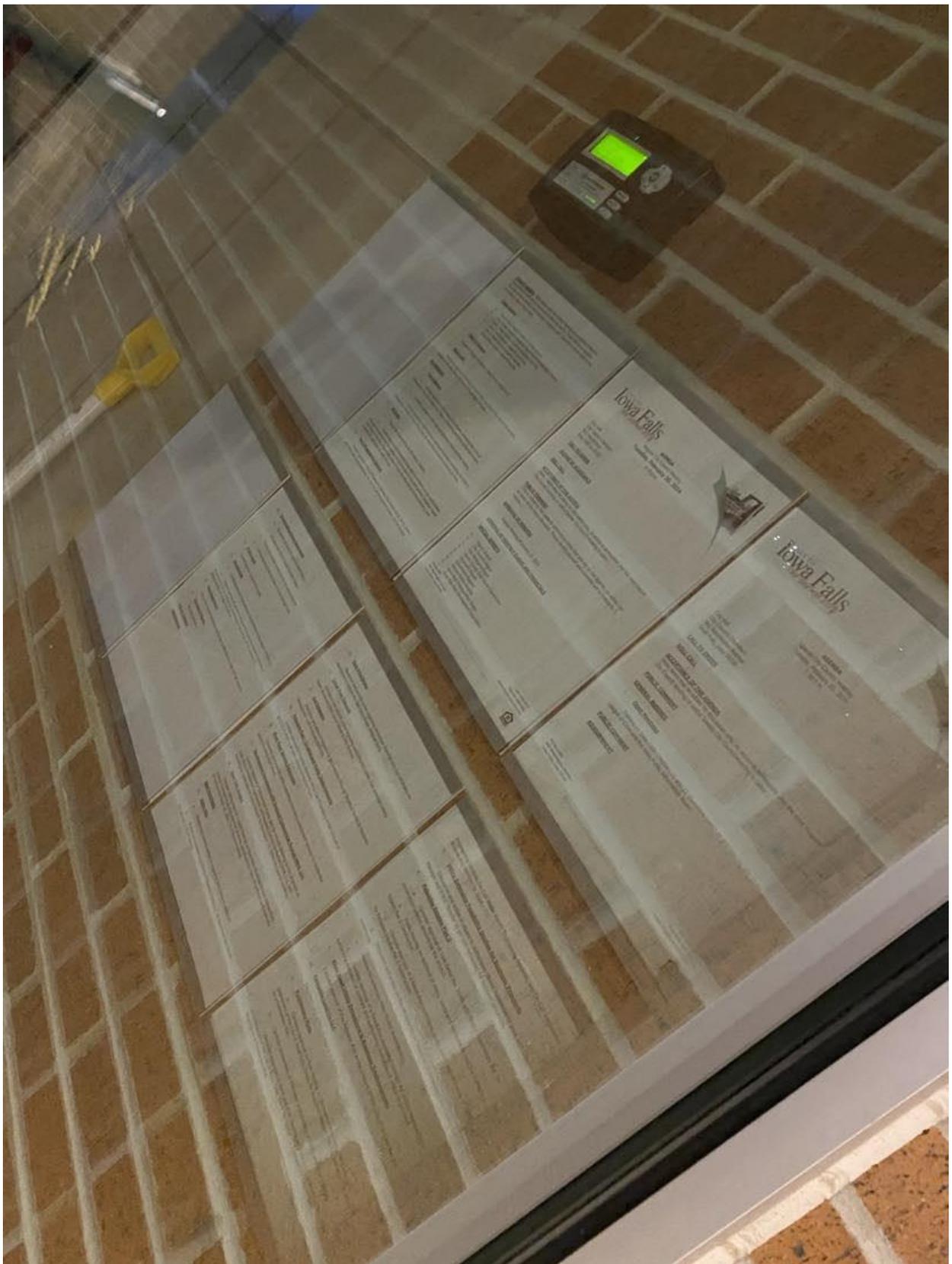
3. As for the 3rd requirement, the city now posts meeting notices inside their front vestibule which is locked after hours and weekends. This still does not allow access except during business hours, which is not really improved access for the public. Even after completing the Open Meetings training, this is how the city continues to post their agendas with limited full access. Please see attached pictures.

"The City shall consider best practices to change the location of posting meeting notices that allows the public improved access to the notices."

4. It is also my understanding that if there are two violations of open meetings laws in one year that the consequences can be greater including removal from office, fines, etc. I believe that the stricter consequences should apply due to two violations within one week. It is also my understanding that the city intentionally violated the open meetings laws to lessen the number of community members who were informed about the contents of the meetings and was intentionally worded to mislead the public. This can be easily verified by talking staff that works in city hall who overheard the conversations. As stated in my original complaint, the dispatch center was a hot topic for our community which was proven by previous meeting.

In conclusion, I do not feel that the informal resolution items were fully met AND I feel that due to the intentional actions of the city regarding the lack of 24-hour notice for the July 24th meeting and the vagueness of the agenda for the July 17th meeting, the city of Iowa Falls should face more severe consequences as allowed by law.

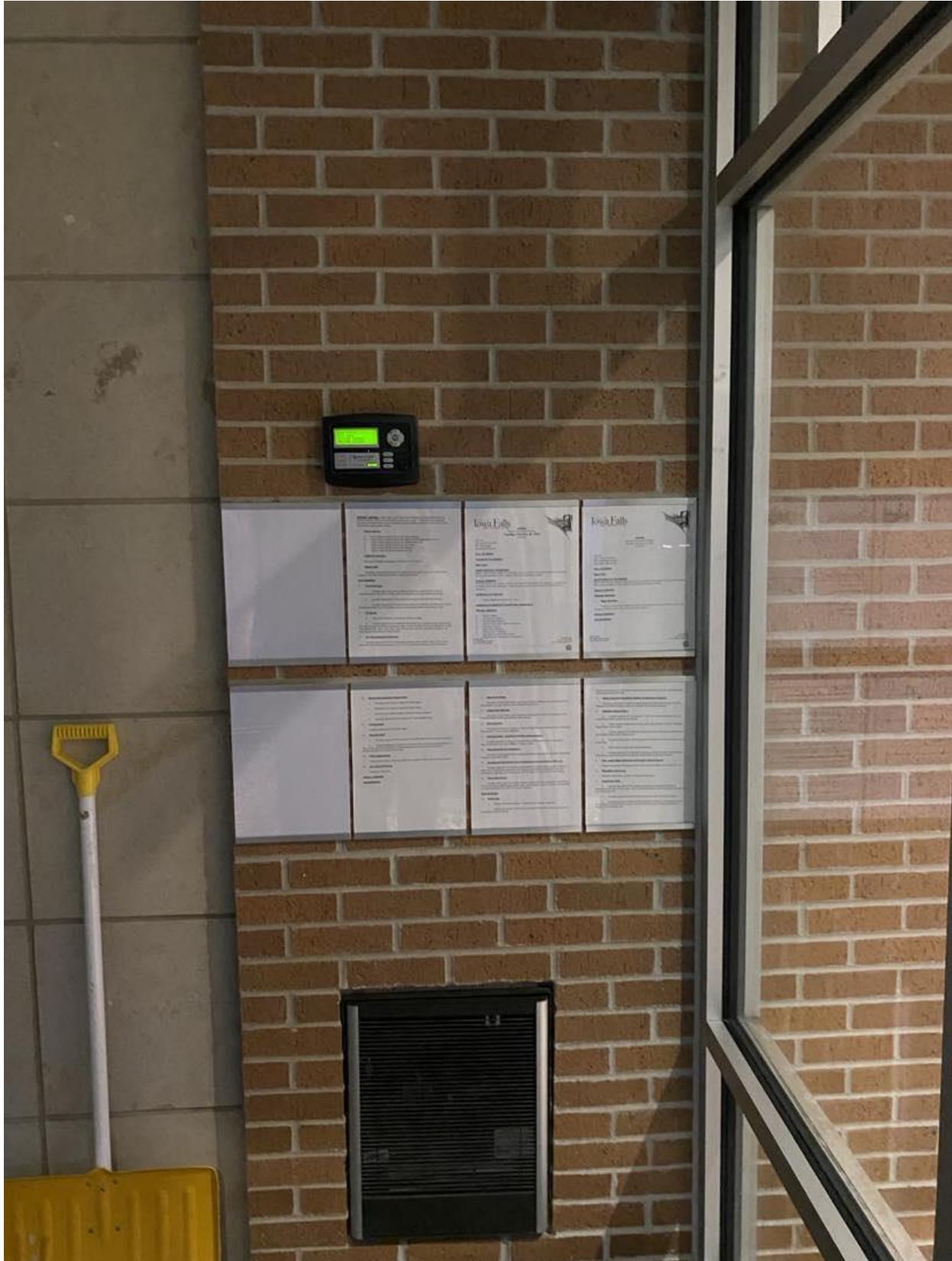
This is a picture taken of the new notification posting from outside. This is extremely hard to read standing outside the locked vestibule area. The public can only access during business hours as it is locked after hours.



Another view of the posting area from outside looking in to the vestibule area.



This is the view from inside the vestibule which is great, but still only accessible during business hours and does not allow 24-hour access for the public to easily read the agenda.



In re the Matter of: Keegan Jarvis, Complainant And Concerning: Swan City Council, Respondent	Case Number: 23FC:0130 Informal Resolution Report
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Keegan Jarvis filed formal complaint 23FC:0130 on November 27, 2023, alleging that the Swan City Council violated Iowa Code chapter 21 on November 14, 2023.

Mr. Jarvis alleged that at Swan City Council meeting on November 14, 2023 that Councilmen Bill Gobble declared, “we are now going into the closed session portion of our meeting. Any people not on the current council must leave and will be invited back in after the session is over.”

Mr. Jarvis points out that several violations occurred as they relate to Iowa Code §21.5. There was no individual vote taken to indicate the approval of each member to enter closed session. The reason for the closed session was not stated. Mr. Jarvis believes that minutes of the closed session were not taken and that an audio recording of the session was not made. He claims that the discussion of the closed session was not kept confidential and he understands that bringing action against residents was discussed.

Mr. Nicholas Bailey, attorney for the City of Swan provided a response for the city to this complaint. Mr. Bailey provided the IPIB with the City Council meeting notice/tentative agenda, minutes, closed session minutes, and audio recording of the closed session. He was made aware of the specific situation at the November 14, 2023 meeting, the purported closed session held at that time, and a purported vote therein by Councilman Gobbel.

Mr. Bailey stated that the Council’s normal procedure is to have one meeting per month. The council keeps minutes of all its public meetings as required by Iowa Code Chapter 21. The council does record any closed session and keeps separate meeting minutes for those sessions. Mr. Bailey was not aware the Council would attempt to go into closed session on November 14. Following that meeting, he discussed with Councilman Gobbel, the Council’s ability to go into closed session at a future meeting at which he would be present. He stated that it was apparent that the Council was under the mistaken belief it could go into closed session on November 14th. A vote was taken during that closed session that resulted in a final decision.

The City Attorney, Mr. Bailey has discussed with the City as to how they can rectify the actions taken at the November 14, 2023 meeting. He believes that his proposed actions remedy any potential non-compliance with Iowa Code chapter 21 and follow the spirit of open and full disclosure in the Open Meetings provisions of the Iowa Code.

Analysis

IPIB staff reviewed the allegations and response in this complaint. The City did provide an audio recording and detailed minutes of the closed session that they took during their meeting. However,

the agenda of the Council meeting does not indicate that the Council would be going into closed session pursuant to Iowa Code §21.4(1)(a). A stated provision of Iowa Code §21.5(1) was not provided as the purpose of the closed session. A motion was not made to enter into closed session pursuant to Iowa Code §21.5(2) nor a vote taken indicating individual member determination to enter a closed session. Minutes of the closed session indicate that a final vote was taken during the closed session in violation of Iowa Code §21.5(3).

Each of these violations have been acknowledged by the City. IPIB staff also notes there is an additional notice violation. The posted notice did not list a time for the meeting, which is required in Iowa Code § 21.4(1).

Staff believes that training of this City Council and city staff is necessary to ensure that the public has access to business of this governmental body and the Council functions in a transparent manner. The Swan City Council violated Iowa Code chapter 21 at their meeting held on November 14, 2023.

Conclusion

Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint meets those requirements.

The formal complaint was accepted by the IPIB on January 18, 2024.

Pursuant to Iowa Code §23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The Swan City Council will acknowledge at an open meeting that there are sufficient facts to show that the notice and agenda of a meeting held on November 14, 2023 was insufficient pursuant to Iowa Code §21.4. They will also acknowledge violations pursuant to Iowa Code §21.5 related to their closed session. This acknowledgement shall be recorded in the minutes of said meeting and minutes shall be provided to the IPIB.
2. The Swan City Council shall conduct training during an open meeting for all Council members and staff on Iowa Code chapters 21 and 22 (Sunshine Laws). The City shall work with the Iowa League of Cities and the Iowa Public Information Board to provide the training to the Council and staff.
3. The Swan City Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

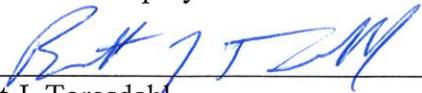
The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

Mr. Jarvis approved the informal resolution through an email on April 14, 2024.

The Swan City Council approved the informal resolution on March 4, 2023. In addition the City has schedule a training to be led by the IPIB on May 16, 2024.

The IPIB Deputy Director recommends that the IPIB approve the informal resolution and authorize the IPIB Chair to sign the informal resolution on behalf of the IPIB.

By the IPIB Deputy Director



Brett J. Toresdahl

In re the Matter of: Brett Christensen, Complainant And Concerning: City of Silver City, Respondent	Case Number: 24FC:0009 Informal Resolution Report
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Brett Christensen filed formal complaint 24FC:0009 on January 23, 2024, alleging the City of Silver City (“City”) violated Iowa Code chapter 21 on January 9, 2024.

Mr. Christensen alleges at the Silver City council meeting on January 9, 2024, the City Council voted to make a change to the posted agenda at the beginning of the meeting. At the start of the council meeting, the mayor added a nominee for library board to the agenda, and changed the starting dates of the other two nominees. This was not reflected in the posted agenda.

The City Clerk responded by providing a copy of the agenda and minutes from the January 9, 2024 meeting. She stated, the “[a]genda was amended by the Mayor at the meeting, as you can see in the minutes requested. I went over the original agenda to be posted with the mayor on the Wednesday/Thursday prior to the meeting, so myself and Council were unaware of these changes when presented at the meeting.”

The following is an excerpt from the Silver City City Council minutes of January 9, 2024: “Motion to approve 1/9/24 meeting agenda by Boehm, 2nd Thomas. Mayor McNutt added to agenda at the meeting & amended #6 a-c; see below*. Motion by Schoening, 2nd Damewood. All ayes, motion carried.” And here is the action taken during the meeting: “Dept Reports: Library – motion to approve appointment of Amanda Vanderpool to Library Board for term ending 6/30/26* by Ramsey, 2nd Thomas. All ayes motion carried. Motion to approve reappointment of Phyllis Boyer to Library board for term ending 6/30/25* by Schoening, 2nd Damewood. All ayes, motion carried. Motion to approve appointment of Terri Elwood to Library Board for term ending 6/30/24* by Schoening, 2nd Thomas. All ayes, motion carried.”

Iowa Code § 21.4(1)(a) requires “a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information.” This notice must be provided “at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.” Iowa Code § 21.4(2)(a).

At the beginning of their meeting, the City amended their agenda to include actions not previously noticed as required under Iowa Code § 21.4. No emergency existed justifying the changed agenda, The City failed to provide notice of the actions to be taken at the council meeting at least twenty-four in advance in accordance with the requirements of Iowa Code § 21.4.

Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint meets those requirements.

The formal complaint was accepted by the IPIB on March 21, 2024.

Pursuant to Iowa Code §23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The Silver City City Council will acknowledge at an open meeting that there are sufficient facts to show that the notice and agenda of a meeting held on January 9, 2024 was insufficient and failed to provide twenty four hour notice to the public pursuant to Iowa Code §21.4. This acknowledgement shall be recorded in the minutes of said meeting and minutes shall be provided to the IPIB.
2. The Silver City City Council shall conduct training during an open meeting for all Council members and staff on Iowa Code chapters 21 and 22 (Sunshine Laws). The City shall work with the Iowa League of Cities and the Iowa Public Information Board to provide the training to the Council and staff.
3. The Silver City City Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

Mr. Christensen approved the informal resolution on April 15, 2024.

Mayor McNutt approved the informal resolution on April 18, 2024. The Silver City City Council approved the informal resolution on May 14, 2024.

The IPIB Deputy Director recommends that the IPIB approve the informal resolution and authorize the IPIB Chair to sign the informal resolution on behalf of the IPIB.

By the IPIB Deputy Director



Brett J. Toresdahl

The Iowa Public Information Board

In re the Matter of: Valerie Close, Complainant And Concerning: Benton County Board of Supervisors, Respondent	Case Number: 24FC:0016 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On February 8, 2024, Valerie Close filed formal complaint 24FC:0016, alleging that Benton County Board of Supervisors (“Board”) violated Iowa Code chapter 21.

Facts

Ms. Close alleges that after a formal Board meeting on February 2, 2024, the Board remained in the conference room to sign approval of Homestead Exception and Credit, Military Exception, Disabled Veteran Exception and Family Farm property exemption applications, about 2,400 forms in total according to the Assessor’s office.

She alleges that during the time period when the Board was signing these documents, Sue Wilber, the HR director, entered and appears to be speaking for a few minutes and provided a handout to the Board.

The footage showed during this time, Ms. Wilbur returned to the room and addressed the whole board at 9:59 a.m. staying until just about 10:02 a.m. She then returned at 10:34 a.m. and stayed until 10:39 a.m. during which time she gave each of the supervisors a handout.

Ms. Close alleges the Board violated Chapter 21 and Chapter 22 because of the discussion with the HR Director.

In response, the Board, through Counsel explained that the Board was engaging in a ministerial task when its members signed the 2,400 exemption documents. During this time there was no

deliberation on Board matters or actions taken. In addition, there was no intent to avoid the open meetings law. A properly noticed meeting had occurred earlier that day.

The Board provided a signed affidavit from Ms. Wilbur regarding her interaction with the Board. According to the affidavit, Ms. Wilbur provided background and information to the Board about a valentine's event in which a district court judge would judge a valentine's day box decorating contest and an exchange of valentines thanking employees or departments for their work. Copies of the documents were provided.

Ms. Close said she was told by Supervisor Seeman the documents provided were Ms. Wilbur's job description or contract. This was provided to her after she filed her complaint. She also "can't see how three supervisors could sit in a room for hours and NOT discuss the business of the county for which they were signing papers."

IPIB staff watched the security video of the Board that was obtained by the Complainant. In the video, Ms. Wilbur is seen entering the room and speaking with the Board. She is holding her phone in her hand during the first visit. After she leaves, the Board can be seen signing and collecting papers. At some point, one supervisor leaves the room and returns. Occasionally they appear to speak to each other briefly, but most activity relates to signing and moving papers. When Ms. Wilbur returns later in the video, she is holding three collated documents. Screen shots from the video show the top page appears to match the graphic for the Valentine's Box Contest flyer provided by the Board. One of the supervisors reviews the documents and holds up a page while speaking with Ms. Wilbur. The page matches the graphics from the "Thank-En-Tine" document provided by the Board.

Applicable Law

"Meeting" means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of the chapter. Iowa Code § 21.2(2).

"[I]t is necessary to determine if deliberation or action upon any matter within the scope of the governmental body's policy-making duties took place at this gathering and whether there was an intent to avoid the purposes of chapter 21. Thus, the issue of intent is relevant to determine whether a "meeting" has occurred." *Gavin v. City of Cascade*, 500 N.W.2d 729, 732 (Iowa Ct. App. 1993) (citations omitted).

In *Gavin*, the Court held no meeting occurred when three members met to view rock being considered for use by the City when no discussion occurred. 500 N.W.2d at 732; see also *Telegraph Herald, Inc. v. City of Dubuque*, 297 N.W.2d 529 (Iowa 1980) (majority may meet for ministerial function or in social setting so long as there is no discussion of policy and no intent to avoid purposes of act).

Analysis

There is no disagreement the Board gathered after their formal meeting to sign 2,400 exception documents for the County. This is a purely ministerial act and permitted under Iowa Code § 21.2(2) as outside the requirements of an open meeting.

The complaint focuses on the brief interactions with Ms. Wilbur as proof the Board was in violation of the open meeting law because the Board talked to Ms. Wilbur. The crux of the issue, however, is whether the Board deliberated on a matter within their policy-making duties. An affidavit from Ms. Wilbur states that the discussion was only to inform the Board regarding a County personnel event to celebrate Valentine's Day and boost staff morale. All documents provided to the Board also involved this internal staff event. Ms. Close provided copies of different documents she alleges were what was provided to the Board. The general shapes of the content of the documents can be seen on the video, however, and appear to match the documents provided by the Board in response to this complaint and are consistent with the affidavit provided.

A discussion regarding a voluntary, social staff event does not rise to the level of deliberation within the scope of the Board's policy-making duties. The Board did not have to approve the event or even participate in the event. The event could occur even without the Board's knowledge it would occur. The discussion was solely informational regarding an activity provided to staff in the County workplace.¹ Further, there is no evidence provided the Board deliberated on any matter while performing this ministerial function. Based on these facts, there is no violation of Iowa Code chapter 21.

No evidence was provided to establish a violation of Iowa Code chapter 22. Further, the documents handed to the Board were provided to Ms. Close in response to this Complaint. Ms. Close were provided different documents from the Auditor's office in response to their inquiries. There are no facts alleged establishing a violation of Chapter 22.

¹ Finding provisions of chapter 21 not violated when gathering occurred, but was solely for the purpose to elicit a clarification of a point of law from the county attorney. *Hettinga v. Dallas Cnty. Bd. of Adjustment*, 375 N.W.2d 293, 295 (Iowa Ct. App. 1985).

Conclusion

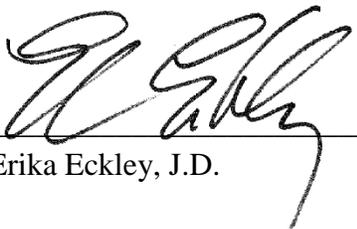
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

The Board met to sign 2,400 approval of Homestead Exception and Credit, Military Exception, Disabled Veteran Exception and Family Farm property exemption applications. This is a ministerial function outside Iowa Code chapter 21 requirements. The Board did not engage in deliberation on a matter within its public policy duties when Ms. Wilbur provided information on a staff event to celebrate Valentine's Day.

IT IS SO ORDERED: Formal complaint 24FC:0016 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was revised and sent on May 15, 2024, to:

Valerie Close
Brent Hinders, attorney for Benton County

Re: 24FC:0016 and 24FC:0025 Draft Order

1 message

Vinton Today <VintonToday@hotmail.com>

Mon, May 13, 2024 at 4:22 PM

To: "Dana Sanders, MHEA" <danasandersmhea@gmail.com>, "Eckley, Erika" <erika.eckley@iowa.gov>, Brent Hinders <BHinders@hhlawpc.com>

Dear IPIB,

I too will submit a written statement on this matter to be included to the rest of the board.

In the summary, it should be corrected that Supervisor Tracy Seeman told the County Auditor, Hayley Rippel what was handed out, and gave her a copy of it. It is clear that Seeman has no reason to hide that fact. It's also clear that there's no reason to lie about it, yet, it appears that there is. The word of one of the Supervisors SHOULD carry more weight than an employee who has nothing whatsoever to do with this filing.

The complaint is against the Supervisors...who DID conduct business.

I am weary of filing complaints and dealing with this hassle. It is indeed why they say, "You can't fight City Hall." You can, but it feels like a game of wearing down the complainants rather than considering that there is indeed a problem.

If there are many of us complaining there MUST be an issue.

Yet..reread.

You were appointed to do a job. You should be savvy enough to read the complaints and follow through with the people named in the complaint, and that is the Supervisors. Not employees. You SHOULD trust what the Supervisor admitted to. Yet...we're arguing about Valentine's.

I appreciate the work that you do, and understand you probably have hundreds of cases to sort out. But to dismiss this one, makes no sense. It's verified, on video, verified with the Supervisor, the Auditor and the only contested player is an employee.

Do the right thing, and give the customary slap on the wrist at least.

Valerie Close, Editor
P.O. Box 7
Vinton, Iowa 52349
319-202-4125
www.vintontoday.com

From: Dana Sanders, MHEA <danasandersmhea@gmail.com>**Sent:** Monday, May 13, 2024 3:51 PM**To:** Eckley, Erika <erika.eckley@iowa.gov>; Vinton Today <vintontoday@hotmail.com>; Brent Hinders <BHinders@hhlawpc.com>**Subject:** Re: 24FC:0016 and 24FC:0025 Draft Order

To the board for the meeting and to be included in the packet:

Thank you for taking the time to review my comments. I may also speak during the meeting, but I am unsure about time I have so I am sending these just in case.

This particular case shows continued inability by the supervisors to follow the rules. If anyone tries to say that the complaints are only recent, no those are only the ones filed as this has actually been an ongoing issue for years with these individuals. Many people just pushed it aside. Other complaints have been made outside of your jurisdiction and many settlements have happened. It's public record, look it up. It's time to standup for the rules. There is no reason for this continued deceit considering the supervisors of Benton County already were being looked at for other cases. They could have picked up the Iowa Code to familiarize with what is right and wrong. They should have as a matter of fact. They have had so many cases outside of your jurisdiction and now within that they could have gotten familiar before this one hit. They also could have asked for clarification on the rules if they didn't know how to read or interpret the code. To say that they have not been trained is a poor excuse. That falls on deaf ears, and I do not want to hear it. You should also not entertain that.

Next, the facts of this case were caught flat out on camera! No justification would matter because it was all flat out caught on camera. No agenda item for Sue to enter that room existed so therefore it doesn't matter what she handed out, she should not have been handing anything out. I don't want to hear somebody trying to justify what she handed out. No agenda, no handout. The rules matter and no excuses should be taken seriously. Again, I don't want to hear that excuse either.

Another interesting item is that when I requested to know what was handed out, the auditor per the supervisors stated what it was and I have provided that. Then Brent Hinders supplies to us something totally different. Discrepancies like that are why I cannot trust the supervisors or likely even their representation. I have said it before that there's no transparency and no honesty going on here. Slaps on the wrist and settlements have led to more slaps on the wrist and more settlements. I have said that before as well. I would hope you would pursue this beyond a slap on the wrist. They have had numerous settlements and more issues outside of your jurisdiction, even

since the first case initiated this past fall. It's not just IPIB cases going on here. There is a broader picture. Their outside legal had cost us taxpayers around \$20,000 for a six month period as of approximately six weeks ago. That number would obviously be much higher if I went back more than six months in pursuing the records. It is still growing. It appears you CAN fine and you CAN even look at court per your rules and counsel information. I would hope you would actually do that in this case. No excuses are satisfactory at this point. They are just that... Excuses. We citizens are tired of having to prove what is already PROVEN and right in front of the faces of those looking at it. I've been told that numerous times over the last few months by random people at their meetings. Please consider this. Thank you.

Regards,
Dana Sanders

**Feel free to read this out loud if I am not able to be present. I reserve the right to speak during the comments portion if I am able to attend.

**as we were to reply all, please forward me Brent's response if he did not include us and has one. Thank you.

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From: Eckley, Erika <erika.eckley@iowa.gov>
Sent: Wednesday, May 8, 2024 4:43:44 PM
To: Vinton Today <vintontoday@hotmail.com>; Brent Hinders <BHinders@hhlawpc.com>; Dana Sanders, MHEA <danasandersmhea@gmail.com>
Subject: 24FC:0016 and 24FC:0025 Draft Order

Good Afternoon:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **May 16, 2024. The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (ipib.iowa.gov) on the afternoon of Tuesday, May 14, 2024.

The IPIB normally allows brief (under five minutes) comments from the parties. You are under no obligation, but if you wish to speak at the meeting, please reply to this email and indicate your agreement to this statement:

_____ I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered. In the event this complaint proceeds to a contested case, I waive any objection that I might have concerning personal investigation of this complaint by a Board member.

The IPIB meeting is open to the public. We are now utilizing Google Meet and live streaming of our meetings. You may attend in person at the Wallace Building in Des Moines or remotely. If you would like to attend remotely, you may log into the following meeting:

Google Meet joining info

Video call link: <https://meet.google.com/sts-aasf-xsr>

Or dial: (US) +1 440-482-5087 PIN: 565 174 862#

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 4:30 p.m. on Monday, May 13, 2024 so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.



Erika Eckley, JD, MPA

Executive Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

(515) 725-1783

erika.eckley@iowa.gov

www.ipib.iowa.gov

The Iowa Public Information Board

In re the Matter of: Kenneth Brown, Complainant And Concerning: City of Sidney, Respondent	Case Number: 24FC:0019 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On February 26, 2024, Kenneth Brown filed formal complaint 24FC:0019, alleging that City of Sidney (“City”) violated Iowa Code chapter 21.

Facts

Mr. Brown filed a complaint alleging three violations of Iowa Code.

Corrected agenda not posted on website in a timely fashion

Mr. Brown alleges the City violated Chapter 21 when the City failed to fix an error in its agenda posted on February 9, 2024 for a meeting on February 12. He alleges the agenda item required a public hearing, but a revised agenda was not posted on the City’s website until the morning of the meeting. He alleges the agenda was changed less than twelve hours before the meeting. He alleges the City’s website is the official notification site for the city as of February 12, 2024 (the date of the meeting) before than there was no official notification site for the City.

In response, the City stated the agenda for the February 12 council meeting was posted at City Hall on Friday, February 9. An item was inadvertently omitted from the agenda, so she went to the office on Saturday to correct it and repost it. The revised agenda was emailed to the media at 4:00 p.m. on February 10 and reposted to City Hall. A copy of the email was provided to IPIB. The agenda was not reposted on the City’s website until Monday morning, February 12 when City Hall was open.

Additional items at meeting not included on the agenda

Mr. Brown alleges at the council meeting on February 12, after the public comment period, Councilmember Ann Travis added an agenda item rather than adjourn the meeting. He alleges that Ms. Travis violated Iowa Code chapter 21 by asking the other council members for their input into what additional items should be included on the next meeting's agenda. Mr. Brown alleges that adding this item without placing it on the agenda failed to give the public notice this would be brought up by the City.

In response the City stated that Councilmember Travis presided over the meeting on February 12, 2024. At the end of the meeting, Ms. Travis asked the councilmembers if there were any items they would like to have on the next agenda. She pointed out that she would like that it to be an agenda item at all future meetings to identify items that need to be placed on the next agenda. There was no action taken, no discussion or deliberation regarding any decisions on any future agenda items—merely a logistical question regarding the next meeting. Chapter 21.4 requires a tentative agenda of the meeting to be posted in a manner reasonably calculated to apprise the public of the information to be discussed and acted on by the city council. Logistically, a city council has to be able to determine matters that should be on future agendas. Those items then being posted on future agendas for discussion and action providing the public with sufficient notice to apprise the public of the information. While Councilmember Travis did ask for a list of items that should be placed on the next agenda, she did not request discussion of any particular item—nor was any particular item discussed or acted upon. Her choice of wording may not have been the best, but she did not request any motion or action by the council. She requested a list of items so that the clerk could note those for the future agenda.

Records requests

Mr. Brown alleges that on February 9, 2024, he sent in a request for the December 2023 Clerk's Financial report and had not received the requested item as of February 21 even after sending in multiple emails asking for the reports. The request asked that the item be emailed to me. In the past, the City has not charged for the report.

In response, the City stated that on February 9, 2024, Mr. Brown requested a multitude of documents. The city staff calculated the anticipated time necessary to compile the documents and make necessary redactions of sensitive information. The city staff provided Mr. Brown an estimate of the fee for responding to the request. Mr. Brown refused to pay the fee and became combative with city staff regarding the fee. The city has not refused to respond to his request. Mr. Brown

refused to pay the fee. The city is entitled to charge a fee for the cost of responding to the request. The City stated the fee for the records would be \$34.26.

Records Requests Made:

February 8, 2024 Independent Accountant Examination Audits for year 2022-23 (*provided to Mr. Brown*)

February 9, 2024 December 2023 Financial Statements to include the following reports 1. Clerk's Report 2. Balance Sheet 3. Revenue Summary 4. Expenditure Summary 5. Expenditure Monthly Guidelines 6. Journal Entries 7. Bank Reconciliation 8. Utility Reconciliation less Utility Delinquency Report 9. Library Financials. (*financial documents available on the City's website and sent to Mr. Brown by IPIB.*)

February 9, 2024 Independent Accountant Examination Audits for years 2017-18; 2018-19; 2019-20; 2020-21; 2021-22 (*provided to Mr. Brown*)

February 12, 2024 General Obligation Corporate Purpose Bonds (*resolution on the website*)

February 12, 2024 Invoice from Column Software PBC

Unknown Date Recording of the council meeting on February 12, 2024 (*provided to Mr. Brown*)

IPIB provided a link to the documents Mr. Brown requested that are posted on the website, which include the payroll cycle; Claims Approved February 12, 2024; Library Claims approved; December 2023 Clerks Report; Resolution to enter into a General Obligation Corporate Purpose Loan Agreement; Arbor Bank Balances; First Interstate Bank Interest Payment; Volunteer Fire Reconciliation and other financial reports. In response, Mr. Brown asserts that these are not the records he requested and that his complaint is that the City wants to charge him for records that he has not been charged for in the past.

Applicable Law

"[A] governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held....[notice] shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body ..." Iowa Code § 21.4(1)(a),(2)(a).

"All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful

custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records." Iowa Code § 22.3(2).

Analysis

Issue 1: Meeting agenda changed without providing 24 hours' notice.

The City physically posted the agenda and sent a copy to the media more than 72 hours before the council meeting. A revised agenda was posted and a copy of the email showing it was resubmitted to the media more than 48 hours prior to the council meeting was provided. The crux of Mr. Brown's complaint regarding this issue is that the agenda posted on the City's website was not revised more than 24 hours prior to the meeting. Iowa Code chapter 21, however, does not have any requirement that an agenda be posted on a website. Because the required notice was posted and emailed to the media more than 24 hours prior to the City's council meeting, there is no violation of Iowa Code § 21.4.

Issue 2: Adding to the agenda at end of meeting

IPIB Staff listened to the meeting. The recording includes a request by Ms. Travis to add an item on this agenda and for future agendas to ask for items to be placed on the next meeting agenda. She does state she is adding something to the agenda that was not included, but the council does not deliberate on or act on anything other than suggesting a topic to be included on the next council meeting agenda, which was a report on maintenance work.

While Ms. Travis does say she is adding an additional agenda item, the content of the item is actually more akin to a ministerial matter such as setting a date for a meeting or reciting the pledge of allegiance at a meeting.¹ Asking for items to be placed on a future agenda to be deliberated on at a later date after proper notice is not a violation of Chapter 21. Because there was no policy making and no deliberation, any failure to include this ministerial action during the meeting without prior notice is not a violation or at least is merely harmless error.

Issue 3: February 9 records requests not received by February 21

As stated on numerous occasions, there is no specific timeframe by which a records request must be fulfilled. *Horsfield Materials, Inc. v. City of Dyersville*, 834 N.W.2d 444, 461 (Iowa 2013). Also, Iowa Code § 22.3 clearly states the following: "Although fulfillment of a request for a copy

¹ See 23FC:0079 Steve St. Clair/Winneshiek County Board of Supervisors (finding addition of pledge of allegiance to a meeting was a ministerial action).

of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request. . . .All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records.”

The Code does suggest that when requests take less than 30 minutes, the City should make efforts to provide the records at no costs other than copying, but it is not required. Further, Mr. Brown filed multiple records requests within a few days. The City is allowed to charge for the collection and copying of records requests. The City is also able to require pre-payment of these fees. Mr. Brown does not challenge the reasonableness of the fees. His complaint is that he should not be charged at all. Iowa Code allows the City to recoup the actual costs of responding to the records requests. If Mr. Brown is seeking records that are not readily available as provided by IPIB, then there is likely time and effort required to collect and copy the documents he has requested. While the City might provide these at no charge, when faced with multiple and varied requests from the same person, it is not unreasonable for the City to consolidate the requests and require some reimbursement of the actual costs for the time and effort involved.

Conclusion

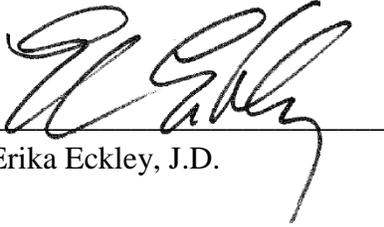
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

The City posted a corrected agenda more than 24 hours before its meeting; the request for agenda items to be added to the next council meeting's agenda was a ministerial act; and the City can require pre-payment for the estimated costs of responding to a records request.

IT IS SO ORDERED: Formal complaint 24FC:0019 is dismissed as it is legally insufficient and/or harmless error pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

A handwritten signature in black ink, appearing to read 'E. Eckley', is written over a horizontal line.

Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2024, to:

Kenneth Brown
Bri O'Hearn, attorney for City of Sidney

The Iowa Public Information Board

In re the Matter of: Maher “Mark” Waad, Complainant And Concerning: Des Moines airport Authority, Respondent	Case Number: 24FC:0022 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order.

Maher “Mark” Waad filed formal complaint 24FC:0022 on February 28, 2024, alleging that the Des Moines Airport Authority (“Authority”) violated Iowa Code Chapter 22 on January 10, 2024, and Iowa Code Chapter 21 on February 12, 2024.

Facts

Mr. Waad requested his attorney submit a records request to the Des Moines Airport Authority on December 29, 2023. He received a response on January 10, 2024, stating he would have to pre-pay \$87,417 in order for the Authority to provide the records, and it would take six months. The Authority estimating there are 27,000 potentially responsive emails and it would take over 900 hours to review them. Mr. Waad argues nothing in Iowa law authorizes the Authority to require pre-payment of an entire estimate prior to fulfilling a record request. Mr. Waad believes the Authority’s intention is to thwart his access to public information and was retaliatory following his filing of a bid protest.

Mr. Waad also alleges an open meeting violation. He alleges that after adjournment of public meetings, the board chair routinely asks board members to remain and continue discussions outside of the public view. In addition to the February board meeting, he observed this at the January 9, 2024, meeting and the December 12, 2023, meeting.

Kristine Stone, attorney for the Authority, provided a response to the complaints. She stated Mr. Waad submitted an incredibly broad records request covering many categories of records and with no date limitations. The request was as follows:

Pursuant to the Iowa Open Records Act, I am requesting copies of the following documents (in electronic format, if available):

1. All communications from and to Amy Frederick that reference American Rent-A-Car and/or Mark ("Maher") Waad.

2. All communications between Amy Frederick and members of the Des Moines Airport Board and Staff related to the RFP for car rental concessions.
3. All communications between Des Moines Airport Board and Staff and any members of the Leibowitz & Horton group.
4. All communications among the Des Moines Board Members and Des Moines Airport staff regarding the RFP for car rental concessions, including the bid protest filed by American Rent-A-Car.
5. All communications between Amy Frederick and Hertz related to the Des Moines RFP for car rental concessions.
6. All communications between Hertz and the staff of the Des Moines Airport Authority or any Des Moines Airport Authority board members related to closing its operations in Des Moines in calendar year 2021.
7. All communications between Kevin Foley and the following people or agencies:
 - a. The Federal Aviation Administration (FAA)
 - b. Polk County Government officials
 - c. Governor Kim Reynolds
 - d. Kayla Kavarna
 - e. Wild Rose, Etc.
 - f. Prairie Meadows, Etc.
 - g. Highview Development Group, Etc.
 - h. Scott Sanders
 - i. Reggie Sinha
 - j. Frank Connie
8. All communications involving Kevin Foley and the terms "Fundraiser" or "fundraising"

On January 10, 2024, the Authority responded to Mr. Waad's request identifying more than 27,000 responsive emails and including a fee estimate of \$87,417 to gather, review, and provide the documents. The letter asked for the fee to be paid in advance, and indicated that the requester would be responsible for the actual cost of providing the records, which may be higher or lower than the estimate.

An affidavit from Authority Executive Director Kevin Foley attested to the procedure used to estimate the cost of retrieving the records requested. The Authority conducted a preliminary search of responsive email records, which exceeded 27,000 emails. The Authority calculated it would take on average two minutes per email to assemble, review, and provide the requested documents. The fee was calculated based on the employee's actual hourly rate to complete the request. The Authority requested prepayment of the fee before the records would be assembled and produced.

Further, within two hours of sending the fee estimate to Mr. Waad, counsel for the Authority and Mr. Waad discussed the records request and the Authority was waiting to hear whether Mr. Waad wanted to narrow his request. The Authority never heard back from Mr. Waad.

The Authority recognizes the fee estimate provided by the Authority is large, but reasonable in light of the extensive request. The Authority spoke with Mr. Waad's counsel and advised working with the Authority to narrow the request to a more focused set of documents.

The second complaint filed by Mr. Waad alleges an open meeting violation. The Authority board consists of five members. The board meets monthly. Board meetings are open to the public. In addition to board members, board meetings are attended by the five Authority directors who are employees.

At the January 9, 2024, meeting three of the five board members appeared in person and two members appeared remotely. The board chair appeared in person for the January meeting. It is routine for the chair to stay after the conclusion of board meetings to sign documents approved at the board meeting. The Authority disagrees that members were asked by the chair to remain after the meeting adjourned. Affidavits were provided by Mr. Christensen and Mr. Foley stating this. The Authority states that it is common for directors to stay after meetings to talk with consultants in attendance at the meeting.

At the February 13, 2024, board meeting, four board members appeared remotely for the meeting. Only one member was physically present at the board meeting. Once the meeting concluded, it would have been impossible for a majority of members to gather after the end of the meeting because they appeared remotely and the Zoom meeting was turned off at the conclusion of the meeting.

Law

“The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request. A person may contest the reasonableness of the custodian's expenses as provided for in this chapter.

...

All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records." Iowa Code § 22.3.

“‘Meeting’ means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.” Iowa Code § 21.2(2).

Analysis

Record Request

The records request from Mr. Waad is voluminous and will likely require extensive hours of staff time to collect and review the records. Collecting and reviewing 27,000 emails is an extensive undertaking. Estimating the Authority could review and collect the emails at an average of two minutes per email amounts to over 900 hours of staff time to respond to the request. The hourly rate for the person reviewing the request is \$97.13. Due to the sensitive nature of the communications involved in running an airport, the Assistant Executive Director would need to undertake the review of the documents. The Authority spoke with Mr. Waad’s counsel about narrowing the request to reduce the costs. This could be done by providing time limits or including less broad search terms. Adjusting the request that would narrow the expansiveness of the search and review.

The fees quoted are quite extensive, but so is the scope of the records request. The request includes communications with the FAA, Governor Reynolds, Polk County Government, and others. The initial search showed at least 1,475 emails between the Executive Director and the FAA alone. There would likely be confidential information that would need to be reviewed by someone with knowledge of their contents and authority to review, which also increases the costs.

“A ‘reasonable’ cost for a public records request is determinative on the facts and circumstances of retrieving and copying the record. Fees are not meant to be a revenue stream. “Reasonable”

fees for retrieving a public record are meant to only offset the cost of retrieving, reviewing, and copying the record.” 22AO:0003 Reasonable Fees for Producing Records Requests.

“[F]ulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses.” Iowa Code § 22.3. Based on these specific facts and scope of the request, there is not a violation of chapter 21.

Meeting after the Meeting

The allegations of the Authority meeting following the adjournment of their monthly open meeting do not appear to have merit. No evidence was provided that a majority of the board were asked to or did stay after the meeting. Affidavits were provided to that extent. The affidavits state that the employees of the Authority will often remain after a meeting to talk with attendees, but there is no evidence a majority of the board engaged in deliberation at the conclusion of the January meeting. The evidence indicates that for the February meeting, a quorum of the Board was not even physically present for the meeting, so there could not have been a meeting of the majority of the board after the board meeting adjourned. Under these facts, there is no violation of chapter 22.

Conclusion

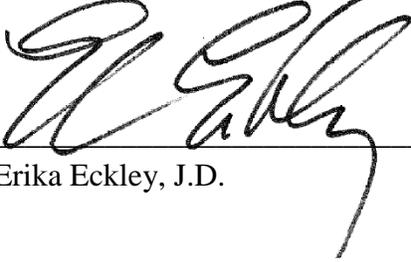
Iowa Code section 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint does not meet those requirements.

The Authority is allowed under Iowa Code § 22.3 to require prepayment of an estimate of the actual costs of producing the records requested. The scope of the request was quite extensive resulting in 27,000 emails with confidential information likely within the information. Also, there is no evidence a majority of the Authority’s board met improperly after the adjournment of the board meeting.

IT IS SO ORDERED: Formal complaint 24FC:0022 is dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b). The Des Moines Airport Authority did not violate any part of the open meeting or public records code sections.

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent by electronic mail on the May 9, 2024, to:

Maher “Mark” Waad

Kevin Foley, Executive Director, Des Moines Airport Authority

Kristine Stone, Attorney, Des Moines Airport Authority

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0023
Shawn Shearer, Complainant	Dismissal Order
And Concerning:	
City of Iowa City, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On February 19, 2024, Shawn Shearer filed formal complaint 24FC:0023, alleging that City of Iowa City (“City”) violated Iowa Code chapter 22.

Facts

Mr. Shearer alleges violations by the City for a failure to maintain proper systems for the collection and preservation of public records.¹ His allegations include concerns that City’s business may not be conducted by electronic means through personal emails and text messages through accounts the City does not control. Iowa Code Chapter 22 requires the collection and preservation of public records. Communications regarding City businesses is not being captured or preserved by the City. Public records, within the meaning of Chapter 22, are being lost and are irretrievable by the City.

In response the City states it does not provide email addresses for all board and commission members. The City did create an email address for incoming communications to the entire Iowa City Ad-Hoc Truth and Reconciliation Commission (“TRC”). Members of the commission, however, cannot send emails from this email address. The City asserted that it has always treated personal emails and texts as public records when used for “City business.”

Applicable Law

“If a government official or employee uses privately owned electronic devices or services, such as cell phones, computers, email accounts, smart phones, or such to conduct official government business, then the record generated is a public record.

¹ Mr. Shearer originally sought a Declaratory Order, but agreed to recategorize it as a Complaint.

What governs the issue is the content of the message. If it concerns public business relating to public duties of an official or employee, then it is a public record. ... Iowa Code Section 22.1 includes “all records, documents, tape or other information, stored or preserved in any medium” in the definition of public records. Subsection 22.2(2) states that a governmental body cannot prevent access to a public record by contracting with a nongovernmental body (such as a cloud storage provider). Section 22.3A addresses public records and data processing software. The cumulative effect of these statutes is that a public record does not lose its public status by being retained on a privately owned electronic device.

...

Iowa Code chapter 22 does not provide specific guidance concerning how a lawful custodian retrieves, reviews, and releases public records. It would be appropriate for a government body to develop a policy governing the use of private devices for government business. This policy could require that the lawful custodian have access to private devices and the mechanics of such access, including any privacy concerns.”

21AO:0009 Public records maintained on privately-owned electronic devices.

Analysis

This matter originally was received as a Petition for Declaratory Order asking IPIB to require the City to provide a City-controlled email address to members of the TRC to ensure no public records would be lost. As addressed above, Iowa Code chapter 22 does not have a specific requirement that government bodies utilize only government-provided resources. If a government body or its members or employees utilize their private email or cell phone for government business, their personal device or email address is subject to Iowa Code 22. This can create issues in retaining and retrieving the information that may not be adequately addressed in the Code as the technology and options continue to change and develop.² IPIB encourages the City to establish firm policies regarding the use of personal devices for Commission members and ensure education on compliance with public records requirements is provided.

At the heart of this issue brought to IPIB, however, is a records request dispute. It is uncertain from the documentation provided whether the breakdown in communication is between Mr. Shearer or the City. It is clear, however, that both parties could work more collaboratively to address the request process by providing clear requests and search terms including specifics about whose records are being requested and ensuring private emails and other communications are included in the search and production of documents by the City, if and when appropriate.

² See, e.g. 24FC:0003 Andrew Kida/Clinton County Dismissal Order (finding no violation under chapter 22 for deleted text messages on personal device prior to request being made).

As far as this Complaint, however, there is no Chapter 22 violation by the City for failing to provide a government-controlled email address for Commission members.

Conclusion

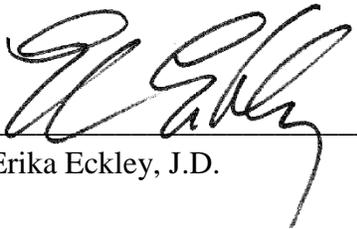
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

There is no requirement under Iowa Code chapter 22 to require government-controlled email addresses for all commission members and volunteers.

IT IS SO ORDERED: Formal complaint 24FC:0023 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 10, 2024, to:

Shawn Shearer
Liz Craig, attorney for city of Iowa City

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0027
Valerie Close, Complainant	Dismissal Order
And Concerning:	
Benton County Board of Supervisors, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On March 8, 2024, Valerie Close filed formal complaint 24FC:0027, alleging that Benton County Board of Supervisors (“Board”) violated Iowa Code chapter 21.

Facts

Ms. Close alleges an Employment Agreement was signed on March 6, 2024, between Sue Wilber, the Board, and the County Attorney. She alleges this contract was signed outside of an open meeting. The contract was not discussed in the March 5th meeting. As a result of a records request concerning Ms. Wilber's job description, the signed contract was sent to her. She alleges receiving the contract establishes that County business had been conducted outside of an open meeting.

In response, the Board through their attorney, argues the complaint is not legally sufficient as Ms. Close fails to provide any evidence a quorum was present outside a meeting to sign the employment contract, so no violation of Iowa Code chapter 21 has been alleged.

The minutes of the March 12, 2024, Board meeting state the HR Job Description was approved by the Board. A question was raised regarding whether the job description would be distributed and it was determined HR would give the Auditor’s office the job description to disperse to those who wanted it.

Analysis

This Complaint alleges that a signed contract between the Board, the County Attorney, and the County HR Director establishes a violation of Iowa Code Chapter 21 occurred because no action

was taken at a Board meeting prior to the execution of the contract. Iowa Code chapter 21, however, requires that a meeting of a government body occur. To establish a meeting has occurred the following must be present:

1. Members of a governmental body, as defined under Iowa Code § 21.2, meet;
2. This meeting is in person or by electronic means;
3. A majority of the governmental body is in attendance;
4. There is deliberation or action taken by the body; and
5. The deliberation or action is within the body's policy-making duties.¹

The contract was dated March 6, 2024, and included the Board, the attorney, and the HR Director. No other information was provided establishing the contract was discussed or signed during a meeting in which a majority of the Board was in attendance. IPIB's jurisdiction is limited to chapters 21 and 22, so can only review the matter as it relates to whether an open meeting violation has occurred. Under these facts, no violation has been established.

Conclusion

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

A signed contract does not establish a meeting under Iowa Code chapter 21 occurred or was improperly held.

IT IS SO ORDERED: Formal complaint 24FC:0027 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

¹ 24AO:0001 Chapter 21 Requirements for Work Sessions

CERTIFICATE OF MAILING

This document was sent on May 8, 2024, to:

Valerie Close
Brent Hinders, attorney for Benton County

The Iowa Public Information Board

In re the Matter of: Amy Hagen, Complainant And Concerning: Oskaloosa Community School District, Respondent	Case Number: 24FC:0033 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order.

Facts

Amy Hagen filed formal complaint 24FC:0033 on April 9, 2024, alleging that the Oskaloosa Community School District (“District”) violated Iowa Code chapter 21 on April 9, 2024.

Ms. Hagen states that the school district did not include a public record in the packet of materials for the meeting. The following is her complaint to the IPIB: *“They did not include Kathy Breen's resignation letter in the consent agenda when all other resignation letters were attached. They refused to release the resignation letter through public records request.”*

Dustin Zeschke, attorney for the District, provided the response to this complaint. Mr. Zeschke first stated that the school district is unaware of any records request being made for the letter.

Regarding the issue of the resignation letter not being part of the meeting packet, Mr. Zeschke explained that an agenda was published and proper notice was provided to the public in compliance with Chapter 21. Ms. Breen's resignation included allegations she felt she was being bullied and harassed, her disagreements about assigning bus routes, and that she felt she was not being appropriately accommodated. In stating her accommodations issue in her resignation letter, Ms. Breen included her medical conditions she felt were not being appropriately accommodated.

Pursuant to Iowa Code § 22.7(11), personnel records are confidential except as provided in the exceptions. The District did not want to release an email that contained Ms. Breen's medical information. Accordingly, to make sure the Board had all of the information regarding her resignation, her resignation was emailed to the Board separately. They were advised if they wanted to discuss the contents of the email to let the Superintendent know and so arrangements could be made, including potentially holding a closed session.

Analysis

Staff reviewed this complaint and the response from the District. There is no requirement under Iowa Code chapter 21 to provide the actual contents of a resignation letter in a public packet. Rather, Iowa Code only requires an agenda that is “reasonably calculated to apprise the public” of what was being discussed. In this matter, the District was considering her resignation and not necessarily what was contained in the resignation letter. If they had wanted to discuss the letter, the District could have provided notice of the issue and looked at how to discuss the confidential information.

A public records request was not identified by the school district. In the event that a request would have been made for this record, the District would have withheld it as confidential pursuant to Iowa Code § 22.7(11), confidential personnel records.

There does not appear to be a violation by the District regarding the notice and agenda of the meeting or release of the resignation letter indicated as a public record.

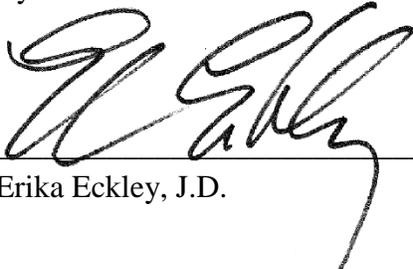
Conclusion

Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 24FC:0033 is dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b). The Oskaloosa Community School District did not violate any part of the open meeting code section.

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent by electronic mail on the May 8, 2024, to:

Amy Hagen

Dustin Zeschke, Attorney, Oskaloosa School District

The Iowa Public Information Board

In re the Matter of: Steven Menke, Complainant And Concerning: Kossuth County Board of Supervisors, Respondent	Case Number: 24FC:0039 Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On April 9, 2024, Steven Menke filed formal complaint 24FC:0039, alleging that Kossuth County Board of Supervisors (“Board”) violated Iowa Code chapter 22.

Facts

Mr. Menke’s alleged that “It’s been 21 days and I never got the [record] I requested.” After receiving additional information from Mr. Menke, his complaint is that he has proof from a videotaped conversation with Matt Holmquist, a deputy with the Kossuth County Sheriff’s Office that the Board held an illegal meeting and that the Board failed to provide the minutes from the illegal meeting to him upon his request for the records. Mr. Menke provided his record’s request.

IPIB staff reviewed the videos provided by Mr. Menke to prove the existence of an illegal meeting by the Board. In the video, Deputy Holmquist talks with Mr. Menke and Mr. Joe Goche who are in the process of running a camera through the County’s drainage tile to determine the issue with the drainage tile. Deputy Holmquist was called out to the field because of concern that Mr. Menke and Mr. Goche did not have authority to be doing what they were doing. During his conversation with Mr. Goche, Deputy Holmquist references a Board meeting and Mr. Goche immediately argues that any meeting was an illegal meeting. At no time does Officer Holmquist nor any other individual on the video besides Mr. Goche or Mr. Menke state the Board met without notice to the public.

In response to his records request, the County Auditor responded to his request. She said, “The only official meetings that were held by the Kossuth County Board of Supervisors in October and

November of 2023 were on October 3, 10, 17, 24 and 31st and November 2, 7, 14, 21, 27 and 28. The Original request [for Mr. Goche's drainage district repair] was done on August 22, 2023 which you mentioned previously. I know we have already sent you records for these dates, but if you want me to send you the agenda and minutes, recordings, etc. for any of the dates listed above please let me know. I do not have records of meeting for any other dates in October or November of last year."

Applicable Law

"Meetings of governmental bodies shall be preceded by public notice ... all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session. Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection." Iowa Code § 21.3

Analysis

Mr. Menke's complaint centers around the Board's failure to provide to him the minutes from an "illegal meeting" that occurred in November 2023. His proof this meeting occurs is during a conversation with Deputy Holmquist. After reviewing the video, IPIB staff provided to Mr. Menke the minutes from the meetings mentioned in the video.

IPIB staff also informed Mr. Menke, that there was no proof of an "illegal meeting" in the videos. Instead the video shows Deputy Holmquist doing his best to determine whether Mr. Goche had authority to be on the land he was on and doing the inspection of the County's drainage district. The only "proof" of an illegal meeting in the video is Mr. Goche's claim that he was permitted to do what he was doing as established by his drainage repair form from August 15, 2023¹ and if there was any contrary information it was the product of an "illegal meeting" by the Board.

Because there was no meeting, no minutes were created. The County Auditor did respond to Mr. Menke's records request. If no record exists, then no record need be created. Similarly, if no meeting occurred, there is no requirement to create minutes. Mr. Menke's complaint fails for both these reasons.

¹ The Board's minutes from August 22, 2023, establish the Board did approve the repair with the condition that two named Supervisors would be present for the inspection. Neither Supervisor was present at the time, which is why there was a dispute and Deputy Holmquist's presence was requested.

Conclusion

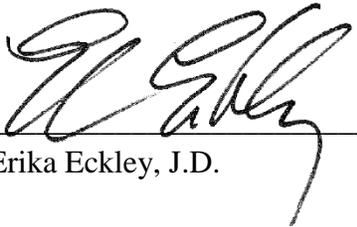
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Mr. Menke's complaint is that the Board failed to provide him with a copy of minutes from an "illegal meeting." No proof of any meeting was provided besides Mr. Goche and/or Mr. Menke's claims that one must have occurred to justify any concerns with their activities on the day in question. Without proof of any meeting, there is no requirement by the Board to provide minutes for the meeting.

IT IS SO ORDERED: Formal complaint 24FC:0039 is dismissed as it is frivolous pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on May 16, 2024. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on May 8, 2024, to:

Steve Menke
Todd Holmes, Kossuth County Attorney

Re: 24FC:0016 and 24FC:0025 Draft Order

1 message

Dana Sanders, MHEA <danasandersmhea@gmail.com>

Tue, May 14, 2024 at 2:48 PM

To: "Eckley, Erika" <erika.eckley@iowa.gov>, "Toresdahl, Brett" <brett.toresdahl@iowa.gov>, IOWA Public Information Board <ipib@iowa.gov>, Vinton Today <VintonToday@hotmail.com>

I am withdrawing **24FC:0025** to move it to another avenue(s) so it may be taken seriously and so I may be treated in a better manner. Please pass **all** my correspondence and complaint to the IPIB board for clarity and why I am moving this now, which is to pursue another way. **This withdrawal just pertains to THIS case and ONLY me, not the other complainant.** I need **EVERY** email correspondence I have sent to be forwarded to the IPIB Board so they can see how I have been treated, including my responses on this case from yesterday and today and up to that point. **That includes this email.** Please send them that today. Good luck! No need to respond. I'm done with this one. You don't get it and the lack of your professionalism is mind boggling and shameful. A response now would be heavily inappropriate and unnecessary. Thanks!

Dana Sanders

[Get Outlook for iOS](#)

From: Dana Sanders, MHEA <danasandersmhea@gmail.com>**Sent:** Thursday, May 9, 2024 8:12:20 AM**To:** Eckley, Erika <erika.eckley@iowa.gov>**Subject:** Re: 24FC:0016 and 24FC:0025 Draft Order

I'm confused. I specifically asked any further claims for me, including this one, to remain separate from others and not thrown together. Please do so.

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From: Eckley, Erika <erika.eckley@iowa.gov>**Sent:** Wednesday, May 8, 2024 4:43:44 PM**To:** Vinton Today <vintontoday@hotmail.com>; Brent Hinders <BHinders@hhlawpc.com>; Dana Sanders, MHEA <danasandersmhea@gmail.com>**Subject:** 24FC:0016 and 24FC:0025 Draft Order

Good Afternoon:

The Iowa Public Information Board (IPIB) will review this Order at its meeting on **May 16, 2024. The meeting will begin at 1:00 p.m.** The meeting agenda will be posted to the IPIB website (ipib.iowa.gov) on the afternoon of Tuesday, May 14, 2024.

The IPIB normally allows brief (under five minutes) comments from the parties. You are under no obligation, but if you wish to speak at the meeting, please reply to this email and indicate your agreement to this statement:

_____ I want to address the Board and respond to any questions Board members may have when the initial processing of this complaint is considered. In the event this complaint proceeds to a contested case, I waive any objection that I might have concerning personal investigation of this complaint by a Board member.

The IPIB meeting is open to the public. We are now utilizing Google Meet and live streaming of our meetings. You may attend in person at the Wallace Building in Des Moines or remotely. If you would like to attend remotely, you may log into the following meeting:

Google Meet joining info**Video call link:** <https://meet.google.com/sts-aasf-xsr>**Or dial: (US) +1 440-482-5087 PIN: 565 174 862#**

If you prefer, you can provide brief, written comments to the Board prior to the meeting, please forward those to me no later than 4:30 p.m. on Monday, May 13, 2024 so they may be included in the meeting packet. Please make sure you copy all parties on the email as well.

**Erika Eckley, JD, MPA**

Executive Director

Iowa Public Information Board (IPIB)

502 East 9th Street

Wallace Building, 3rd Floor

Des Moines, Iowa 50319

(515) 725-1783

Board Dashboard

Dashboard for Board Meetings

As of May 10, 2024 10:05 AM Viewing as Erika Eckley

Active Cases Report

47

[View Report \(Active Cases Report\)](#)

Active Questions Report

0

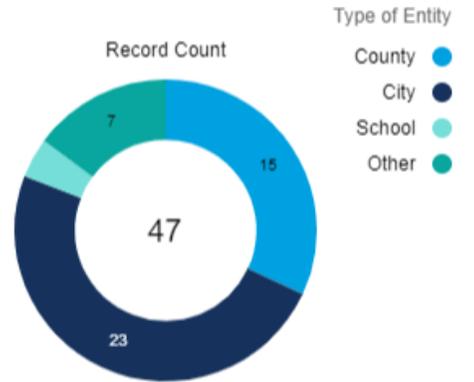
[View Report \(Active Questions Report\)](#)

New complaints &/or question last 30



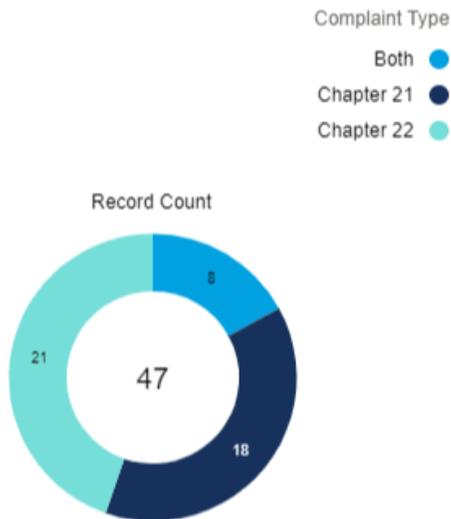
[View Report \(New complaints &/or question last 30 c](#)

Cases by Entity



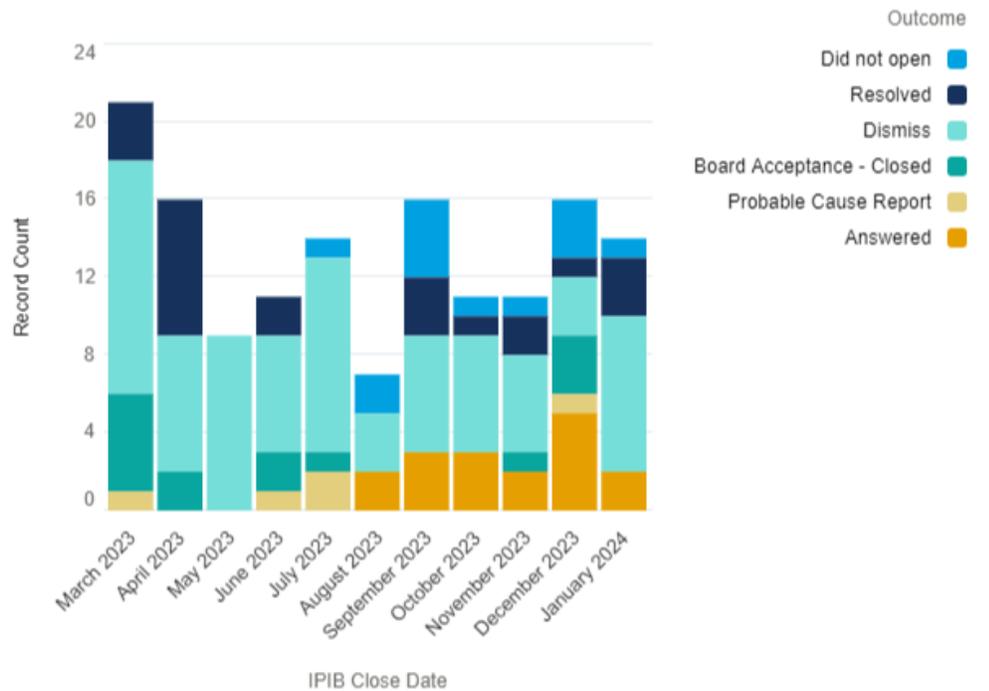
[View Report \(Cases by Entity\)](#)

Broad Type (Filed in Current



[View Report \(Broad Type \(Cases Filed in Current Ye](#)

Closed cases (past 12 months)

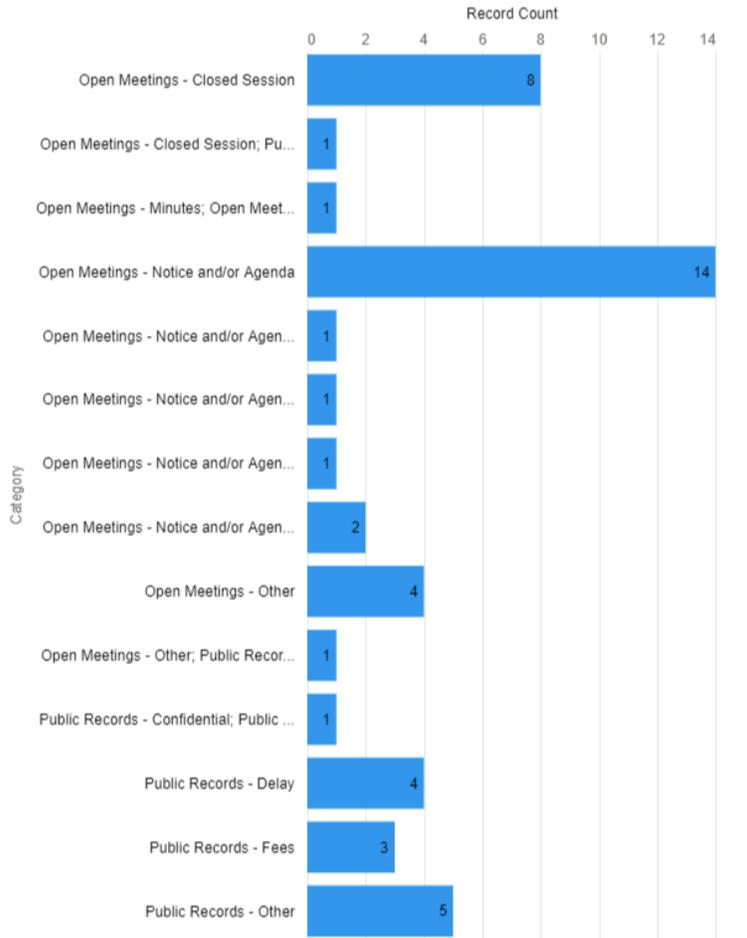


[View Report \(Closed cases \(past 12 months\)\)](#)

Cases by Type

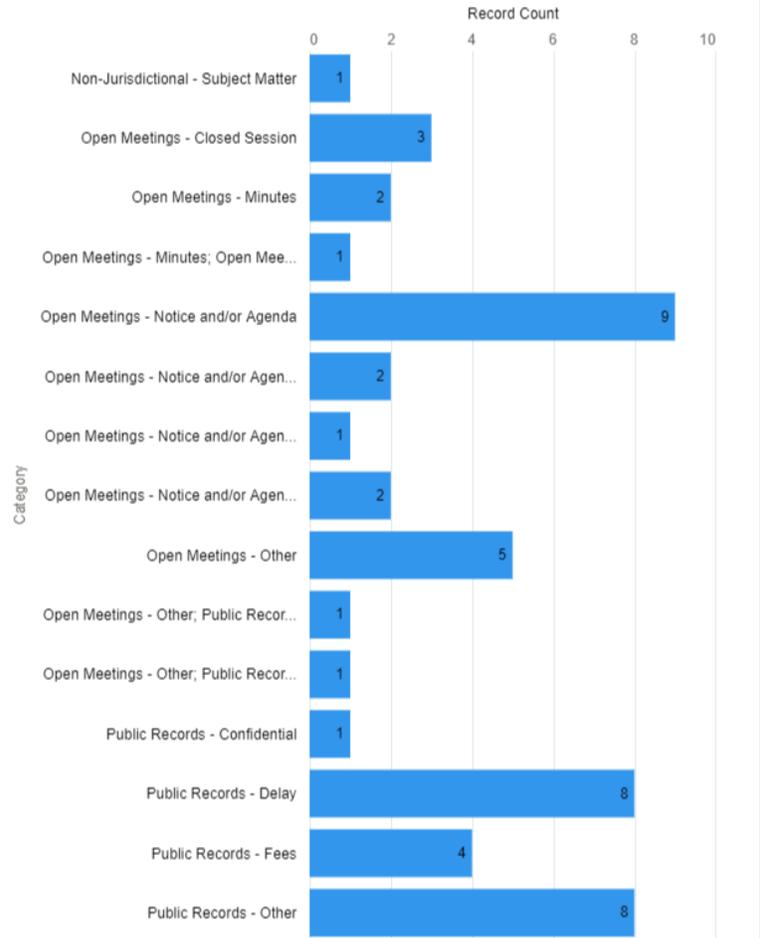
As of May 10, 2024 10:11 AM-Viewing as Erika Eckley

Cases by Type (Active)



[View Report \(Cases by Type \(Active\)\)](#)

Cases by Type (Filed in Current Year)



[View Report \(Cases by Type \(Filed in Current Year\)\)](#)

Obj/Rev Class	Obj/Rev Class Name	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	HO13	HO14	HO15	YTD	End of Year Forecast (C=A+B)	Annual Budget (D)	Percent of Budget To Date	Percent of Budget EOY
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Forecast	Forecast	Forecast	Forecast	Forecast	Actual				
	Appropriation	357,407																	357,407		
	Deappropriation																				
	BBF																				
Expenditures																					
101	Personal Services	15,298	22,650	22,650	34,849	22,724	21,551	24,794	24,794	24,150	26,794	24,150	24,150	14,490	-	-	240,255	303,044	286,459	84%	106%
202	In State Travel	-	188	-	184	71	315	197	-	-	1,645	-	-	-	-	-	2,600	2,600	5,298	49%	49%
301	Office Supplies	-	49	-	360	228	120	120	1,576	-	120	120	120	120	120	-	2,573	3,053	3,000	86%	102%
309	Printing & Binding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	500	0%	0%
313	Postage	-	10	1	0	6	1	2	9	1	-	-	-	-	-	-	30	30	150	20%	20%
401	Communications	-	174	262	472	281	286	260	285	209	174	209	209	-	-	-	2,404	2,822	5,000	48%	56%
406	Outside Services	-	975	-	-	-	-	-	-	-	-	-	-	-	-	-	975	975	-	0%	0%
414	Reimbursements To Other Agency	-	1,177	991	907	1,270	1,007	1,083	988	1,003	909	1,003	1,003	1,003	-	-	9,336	12,345	17,000	55%	73%
416	ITD Reimbursements	-	9,651	2,307	335	336	337	336	335	380	1,261	380	380	380	-	-	15,277	16,416	22,000	69%	75%
418	IT Outside Services	-	-	-	140	-	562	-	278	-	281	-	-	-	-	-	1,261	1,261	-	0%	0%
Total Expenditures:		15,298	34,874	26,211	37,246	24,916	24,179	26,793	28,265	25,743	31,185	25,862	25,862	15,993	120	-	274,709	342,546	339,407	81%	101%
Current Month Operations		342,109	(34,874)	(26,211)	(37,246)	(24,916)	(24,179)	(26,793)	(28,265)	(25,743)	(31,185)	(25,862)	(25,862)	(15,993)	(120)	-					
Cash Balance		342,109	307,235	281,024	243,777	218,861	194,683	167,890	139,625	113,882	82,698	56,836	30,974	14,981	14,861	14,861					

FOOTNOTES
 Cash Mgmt. Unit should be managed to \$0 at year end.

Expenditures

- 101** Months of October and April have 3 payroll warrants written.
- 202** YTD travel is for Erika Eckley and Monica McHugh.
- 301** Monthly - West Publishing Corporation.
- 406** YTD expense is for ADR Masterclass.
- 414** Monthly expenses for: Space, HRE, SAE, Finance Services, and PDS courses.
- 416** Monthly expenses are related to OCIO services. Month of April includes Annual Microsoft and Core Licensing. Month of August is for Google Licenses and Salesforce Renewal. Month Sept. is for Salesforce License.
- 418** Monthly expenses are related to Insight.

Employees - B10 Report

Name	Job Class	Budgeted FTE	Budget
Erika Eckley	09617 - Executive Director	1.00	\$ 114,752
Daniel Strawhun	90642 - Attorney II	1.00	\$ 86,275
Brett Toresdahl	90709 - Administrative Assistant II	1.00	\$ 80,932
Total Funded Positions			\$ 281,959
Total Filled Positions			3.00