

# **IOWA PUBLIC INFORMATION BOARD – Rules Committee**

## **MEMBERS**

**Joan Corbin, Pella (Government Representative, 2024-2028)**  
**E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)**  
**Joel McCrea, Pleasant Hill (Media Representative, 2022-2026)**

## **STAFF**

**Erika Eckley, Executive Director**  
**Kimberly Murphy, Deputy Director**  
**Alexander Lee, Agency Counsel**

**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 [PIB@iowa.gov](mailto:PIB@iowa.gov) prior to the meeting.**

## **Agenda**

**October 17, 2024, noon – 1 p.m.**

**Location: Iowa Department of Agriculture and Land Stewardship**  
**Conference Room: 1<sup>st</sup> Floor**  
**Wallace Building**  
**502 East 9<sup>th</sup> Street, Des Moines**

- I. Call to Order
- II. Approval of agenda\*
- III. Approve Minutes from September 30, 2024, Rules Committee Meeting\*
- IV. Public Comment (5-minute limit per speaker)
- V. Review IPIB Complaint Process Overview\*
- VI. Discussion of Next Committee Meeting
- VII. Adjourn

**\* Attachment**

# **IOWA PUBLIC INFORMATION BOARD – RULES COMMITTEE**

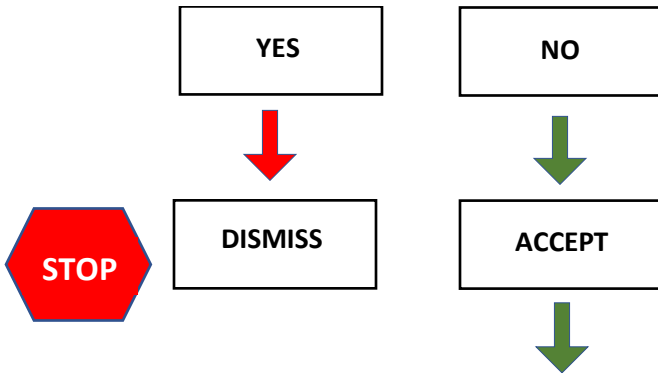
**September 30, 2024**  
**Unapproved Minutes**

The Iowa Public Information Board Rules Committee met virtually on September 30, 2024, at 1:30 p.m. The following Rules Committee members participated: Joan Corbin, Pella; E.J. Giovannetti, Urbandale; Joel McCrea, Pleasant Hill. Also present were IPIB Executive Director, Erika Eckley; IPIB Deputy Director, Kimberly Murphy; IPIB Agency Counsel, Alexander Lee. A quorum was declared present.

- I. **Call to Order.** Corbin started the meeting.
- II. **Approval of Agenda.** On a **motion** by McCrea, **second** by Giovannetti, to adopt the agenda. Unanimously adopted, 3-0.
- III. **Approval of Minutes.** On a **motion** by Giovannetti, **second** by McCrea, to approve the minutes. Unanimously adopted, 3-0.
- IV. **Public Comment.** There was no public comment.
- V. **Review Discussion Guide Packet.** Murphy gave an overview of the complaint process and presented the Discussion Guide (attachment). There was Committee discussion.
- VI. **Discussion of Timeline and Next Steps.** Murphy gave an overview of the timeline and next steps. The timeline will be adjusted to address actions taken by the Committee and Board.
- VII. **Discussion of Next Committee Meeting.** Board discussed the next meeting to be held at noon on October 17, 2024. The meeting will be used to review materials to present to the Board.
- VIII. **Adjourn.** On a **motion** by Giovannetti, **second** by McCrea, to adjourn the meeting. Meeting adjourned.

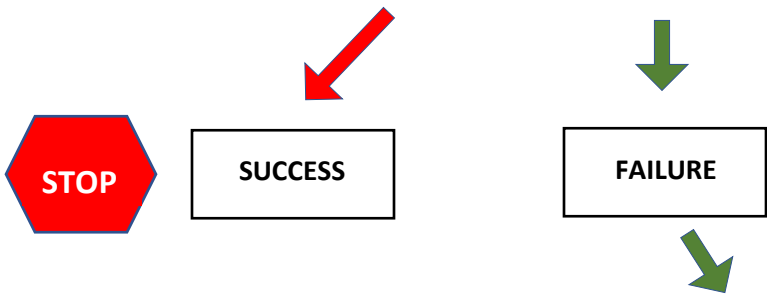
## Step 1: Jurisdiction

- Is the complaint submitted beyond 60 days of the alleged violation?
- Is the complaint outside IPIB's jurisdiction?
- Is the complaint legally insufficient?
- Is the complaint frivolous?
- Is the complaint without merit?
- Does the complaint involve harmless error?
- Does the complaint relate to a specific incident that has previously been disposed of on its merits?



## Step 2: Collaboration

### Informal Resolution



## Step 3: Formal Investigation

Note: Burden of Proof may shift to the Governmental Body during this stage.

### Formal Investigation Result Options:

- Redirect for further investigation
- Dismiss for lack of probable cause or jurisdiction
- Dismiss as an exercise of administrative discretion
- Determine that probable cause exists and direct resolution
- Determine that probable cause exists and initiate a contested case

## **Current Process: Investigation of Acceptance or Dismissal**

1. Receive complaint.
2. Complaint sent to governmental body for review and response.
3. IPIB staff reviews evidence provided by both parties to determine whether there is evidence to support acceptance.
4. Based on the evidence presented by both parties, IPIB staff recommend dismissal or acceptance.
5. If case is accepted, the parties move to informal resolution.

## **Proposed Process: Facial Determination of Acceptance or Dismissal**

1. Receive complaint.
2. IPIB staff reviews the complaint to determine whether it should be accepted or dismissed. The review assumes the facts of the case are true and accurate. The governmental body is not asked to provide evidence.
3. Based on facial review of the circumstances alleged, IPIB staff recommends acceptance or dismissal.
4. If the case is dismissed, a dismissal order is sent to the complainant. If the case is accepted, an acceptance order is sent to both parties and
5. If case is accepted, the parties move to informal resolution.

## **Key differences between current and proposed processes:**

- Iowa Code Chapter 23 references a facial review to determine whether a case should be accepted or dismissed. Under the proposed process, a facial review is utilized as contemplated by the law.
- Under the proposed process, an investigation only occurs once – at the time of probable cause review. Under the current process, an investigation occurs twice – upon receipt of the complaint and during the probable cause review.
- Under the proposed process, the government body is not notified or asked to provide evidence unless and until the Board determines that there is enough facial evidence to accept the case. Under the current process, the government body must respond even if the case will be dismissed.

## **Scenario 1: Website Posting**

Jane Doe files a complaint with the IPIB. Doe alleges that an agenda was posted on a bulletin board at the City Hall five days before the City Council meeting. The agenda was posted on the City's website twelve hours before the City Council meeting. She alleges that this is a failure to post the agenda within the 24-hour timeframe required by Chapter 21.

### **Current Process:**

- IPIB receives the complaint on October 9 and promptly sends the complaint to the City. The City is asked to review the complaint and respond within two weeks.
- The City responds two weeks later (on October 21) and provides evidence that supports the allegations of Doe. The City says the agenda was posted on the bulletin board in City Hall five days before the meeting. The agenda was posted on the website twelve hours before the meeting. The City states that this is not a violation of Iowa Code Chapter 21 because a website posting is not required.
- IPIB staff review the complaint and determine that a violation of Iowa Code Chapter 21 has not occurred because the City's posting is compliant with the law.
- IPIB staff recommend a dismissal to the IPIB in **November**.

### **Proposed Process:**

- IPIB receives the complaint on October 9. IPIB reviews the allegations made in the complaint.
- Assuming all facts are correct, IPIB determines that the complaint is not legally sufficient as a violation of Iowa Code Chapter 21 has not occurred.
- IPIB staff recommend dismissal to the IPIB in **October**.
- The complainant is notified of the dismissal order. The City is not involved.

## **Scenario 2: Public Records Request**

John Doe files a complaint with the IPIB. Doe alleges that he requested public records from the County in August. The County charged Doe \$700 and he has not received the documents.

### **Current Process:**

- IPIB receives the complaint on October 9 and promptly sends the complaint to the County. The County is asked to review the complaint and respond within two weeks.
- The County responds two weeks later (on October 21) and provides evidence that the County is still collecting the documents. They indicate that it will be two more weeks before they can provide all the documents. They ask for an extension to produce the documents.
- Two weeks later, on November 4, the County provides the documents to Doe.
- Doe responds and indicates that the records do not include what he asked for. He also requests an invoice for the charges.

- IPIB staff request the invoice from the County and a response from the County regarding Doe's allegations that documents are missing.
- Two weeks later, on November 18, the County provides a detailed invoice and indicates that all documents have been provided to Doe.
- IPIB staff review all documents and determine that documents are missing.
- IPIB staff recommend acceptance to the IPIB in **December**.
- Upon acceptance, the case moves to informal resolution to obtain the missing documents.

**Proposed Process:**

- IPIB receives the complaint on October 9. IPIB reviews the allegations made in the complaint.
- Assuming all facts are correct, IPIB determines that the complaint demonstrates facial evidence that a violation has occurred.
- IPIB staff recommend acceptance to the IPIB in **October**.
- The county and Doe are notified of acceptance and the case moves to informal resolution.

**Rules Committee Recommendation:**

- Establish a pilot project to determine the pros and cons of each process.
- This pilot project will be used through three board meetings from October 18 to January 16. All cases opened during this time period will use the pilot project (proposed) method.
- At the end of the three months, the Board will weigh the pros and cons of each process and determine next steps at the Board meeting to be held on January 16.
- Administrative rules will be developed based on the Board's decision.