

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 prior to the meeting.

Agenda

May 15, 2025, noon-1 p.m.

Location: Iowa Public Information Board
Jessie Parker Building
510 East 12th Street, Des Moines, Iowa 50319

- I. Call to Order
- II. Approval of Agenda*
- III. Approve Minutes from April 17, 2025*
- IV. Public Comment (5-minute limit per speaker)
- V. Review Rules Draft – Chapter 8*
 - a. Deliberation/Action on Recommendation to Approve and Advance Administrative Rules
- VI. Status Update
- VII. Adjourn

*** Attachment**

IOWA PUBLIC INFORMATION BOARD – Rules Committee

**April 17, 2025
Unapproved Minutes**

In Attendance: Joan Corbin, E.J. Giovannetti, Joel McCrea, Erika Eckley, Kim Murphy, Alexander Lee

- I. Call to Order.** Corbin called the meeting to order.
- II. Approval of Agenda.** On a motion by McCrea, second by Giovannetti, to approve the agenda. Unanimously approved, 3-0.
- III. Approval of Minutes.** On a motion by Giovannetti, second by McCrea, to approve the minutes from February 20, 2025. Unanimously approved, 3-0.
- IV. Public Comment.** There was no public comment.
- V. Review Stakeholder Feedback.** Murphy reviewed the stakeholder feedback and reported support for the rule changes.
- VI. Review Rules Drafts.** Murphy provided an overview of rules drafts and discussed the formatting changes.

- a. Discussion of Chapter 8 and IPIB proposed legislation.**

Murphy discussed specific criteria in Chapter 8 that is not duplicative of Chapter 21. Committee discussion occurred. The Committee directed IPIB staff to maintain the provision regarding closed sessions in Chapter 8. Chapter 8 will need to be withheld to resolve the issue.

Murphy discussed the criteria in *Belin v. Reynolds* and moving the criteria into administrative rule. Committee discussion occurred. The Committee directed IPIB staff to develop administrative rules capturing the requirements of *Belin v. Reynolds* if IPIB's bill does not pass during the 2025 legislative session.

- b. Deliberation/Action on Recommendation to Board to Approve and Advance Administrative Rules.** On a motion by McCrea, second by Giovannetti, to move all rules forward to the next step in the rules process, with the exception of Chapter 8. Unanimously approved, 3-0.

The Committee directed IPIB staff to advance the Chapter 8 to stakeholders and update the full Board.

- VII. Review Next Steps.** Murphy discussed the next steps to advance the rulemaking process.
- VIII. Adjourn.** The Chair declared the meeting adjourned.

IOWA PUBLIC INFORMATION BOARD [497]

Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 8 provides information to the public about open meeting requirements consistent with Iowa Code chapter 21. Chapter 8 is proposed to be rescinded and adopted new with revisions to align with Executive Order 10.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 8 and adopt the following new chapter in lieu thereof:

CHAPTER 8

OPEN MEETINGS

497—8.1(21,23) Notice.

8.1(1) *When posted.* As provided in Iowa Code section 21.4, a governmental body will give notice of the time, date, and place of the meeting and the tentative agenda at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The notice requirement also applies when there is a change to the original notice except as provided in Iowa Code section 21.4(3).

8.1(2) *Where posted.* Notice will be posted at those locations designated in Iowa Code section 21.4. The notice will be posted in an area that is easily accessible by the public or in an area where the notice is easily viewable by the public and will be posted for at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The posting of a notice in an area that is not normally used for the posting of notices or public announcements will not be deemed proper notice. However, if the posting of a notice in an area normally used for posting of notices is not reasonable or practical such as the area is under construction or renovation, the notice will be posted in an area that is otherwise easily accessible by the public or in an area where the notice is easily viewable by the public.

8.1(3) *Closed session.* When a governmental body includes a closed session item on the tentative agenda, the notice will include a brief statement of the purpose of the closed session. It will not be deemed sufficient notice for the governmental body to only reference the statute by number and subparagraph without more information. For example, it will not be sufficient notice for the governmental body to list as an agenda item “closed session 21.5(1)(a).”

The governmental body need not provide more information in the brief statement of purpose than what is required under subparagraphs (a) through (l) in Iowa Code section 21.5(1). Examples of notice deemed sufficient would be “closed session 21.5(1)(c) discuss litigation with counsel” or “closed session 21.5(1)(l) discuss patient care quality or discuss marketing and pricing strategies.”

This rule is intended to implement Iowa Code chapter 21.

497—8.2(21,23) Closed session.

8.2(1) *Who may attend.* A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under Iowa Code section 21.5(1) “c” to discuss strategy with counsel, the legal counsel for the governmental body will be in attendance at the closed session either in person or by electronic means.

8.2(2) Reserved.

497—8.3(21,22) Exempt sessions.

8.3(1) An Iowa Code section 21.9 exempt session is a meeting to discuss strategy concerning employment conditions of employees of a governmental body who are not covered by a collective bargaining agreement under Iowa Code chapter 20.

8.3(2) “Employment conditions” include wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority,

transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, and grievance procedures.

8.3(3) An exempt session does not fall under the requirements of Iowa Code chapter 21; therefore, notice, a tentative agenda, minutes, and other requirements of Iowa Code chapter 21 do not apply.

8.3(4) The purpose of an exempt session is to allow a governmental body to formulate its position on the terms and conditions of employment for non-union employees in private. An exemption from the open meetings law for this purpose parallels the exemption provided by Iowa Code chapter 20 for governmental bodies negotiating with employee unions. Meetings to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered are subject to the requirements of Iowa Code section 21.5(1) “i.” These rules are intended to implement Iowa Code chapters 17A, 21, and 23.