

IOWA PUBLIC INFORMATION BOARD

MEMBERS

Joan Corbin, Pella (Government Representative, 2024-2028)
E. J. Giovannetti, Urbandale (Public Representative, 2022-2026)
Barry Lindahl, Dubuque (Government Representative, 2024-2028)
Catherine Lucas, Johnston (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

Charlotte Miller, Executive 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 IPIB@iowa.gov prior to the meeting.

Agenda

September 18, 2025, 1:00 p.m.

Conference Room

Jessie Parker Building, East

510 East 12th Street, Des Moines

1:00 PM – IPIB Meeting

- I. Approval of agenda***
- II. Approval of the **August 21, 2025** minutes ***
- III. Public Forum (5-minute limit per speaker)**
- IV. Comments from the board chair. (Lucas)**
- V. Potential Closed Session under Iowa Code § 21.5(1)(c).** To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
- VI. Cases involving Board Deliberation/Action.* (Lee)**
 - 1. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 -Investigative Report Draft Order
 - 2. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Informal Resolution IR Agreed to by Parties
 - 3. 25FC:0031 (Michael Chapman - Chapter 21- Waterloo Community School District Board of Education) 3/26/2025 -Investigative Report Draft Order
 - 4. 25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 -Final Report Completed IR/Final Report

VII. Consent Agenda (Lee) *

1. Dismissals

- a. Dismiss 25FC:0077 (Terra Helmers - Chapter 21- Tripoli City Council) 6/20/2025 - Draft Order
- b. Dismiss 25FC:0108 (Mandi Hutchins - Chapter 21- City of Linden - City Clerk) 8/14/2025 - Draft Order
- c. Dismiss 25FC:0110 (Tim Lane – Both – Governor’s Office) 8/18/2025 – Draft Order
- d. Partial Dismissal 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Draft Order

2. Acceptance

- a. Accept 25FC:0088 (Jaicy Skaggs - Chapter 22- City of Kellogg) 7/7/2025 - Draft Order
- b. Accept 25FC:0109 (Jaicy Skaggs - Chapter 21- City of Kellogg) 8/18/2025 - Complaint Opened/Acknowledged
- c. Accept 25FC:0099 (Mount Pleasant Municipal Utilities - Chapter 21- Resale Power Group of Iowa) 7/28/2025 - Information Gathering/IR Process
- d. Accept 25FC:0102 (Nancy Johnson - Chapter 22- Polk City Police Department) 8/13/2025 - Information Gathering/IR Process
- e. Accept 25FC:0106 (Bradley Thrasher - Chapter 21- City of Le Grand board of adjustments) 8/14/2025 - Information Gathering/IR Process
- f. Accept 25FC:0111 (Jennifer Benbow - Chapter 21- City of Granger City Council) 8/19/2025 - Information Gathering/IR Process
- g. Accept 25FC:0116 (Crystal Davis - Chapter 21- Larchwood City Council and Mayor) 8/27/2025 - Information Gathering/IR Process
- h. Accept 25FC:0113 (Mariah Oliver – Chapter 21 – Paulina City Council, Mayor Marlin Sjaarda) 8/27/25 – Information Gathering/IR Process

VIII. Advisory Opinion – Deliberation/Action.

1. Update on 25AO:0011 (Alexander Lee - -) 7/31/2025 - Advisory Opinion Acknowledgement of Opinion Who is required to complete mandatory training on Chapters 21 and 22 under Section 21.12?

IX. Matters Withdrawn, No Action Necessary. (Lee)

1. 25FC:0105 (Vicky Brenner - Chapter 22- Madison County Appointed Auditor) 8/12/2025 - Withdrawn Resolved/Withdrawn
2. 25FC:0125 (William Highland - Chapter 22- Iowa Attorney General) 9/7/2025 - Withdrawn Resolved/Withdrawn

X. Pending Complaints. Informational Only (Miller)

1. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
2. 25FC:0022 (Steve St. Clair - Chapter 22- The Winneshiek County Board of Supervisors and the City of Ossian. The governmental entities associated with the other government employees/officials listed above were also involved, less directly.) 2/17/2025 - Board Acceptance of IR

3. 25FC:0027 (Jerry Hamelton - Chapter 22- Keokuk Police Department) 3/12/2025 - Probable Cause Investigation
4. 25FC:0054 (Tim Ferguson - Chapter 22- City of Davenport) 5/19/2025 - Information Gathering/IR Process
5. 25FC:0055 (Justin Cole - Chapter 21- Mount Union Benefited Fire District) 5/21/2025 - Information Gathering/IR Process
6. 25FC:0061 (Dylan Southall - Chapter 22- Cedar Falls Utilities - Cedar Falls, Iowa) 5/23/2025 - Information Gathering/IR Process
7. 25FC:0058 (Rachel Doyle - Both- City of Rolfe) 5/27/2025 - Information Gathering/IR Process
8. 25FC:0065 (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 6/3/2025 - Information Gathering/IR Process
9. 25FC:0069 (Cassie Rochholz - Chapter 21- City of Solon) 6/4/2025 - Information Gathering/IR Process
10. 25FC:0067 (EyesOffCR - Chapter 22- City of Cedar Rapids) 6/6/2025 - Information Gathering/IR Process
11. 25FC:0091 (Kalen McCain - Chapter 22- City of Washington) 7/10/2025 - Information Gathering/IR Process
12. 25FC:0096 (Kirk Lager - Chapter 22- Iowa Department of Corrections) 7/21/2025 - Information Gathering/IR Process
13. 25FC:0070-2 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
14. 25FC:0070-4 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
15. 25FC:0070-1 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
16. 25FC:0070-3 (Keith Wieland - Chapter 22- Buchanan County, Iowa) 6/10/2025 - Information Gathering/IR Process
17. 25FC:0092 (Keith Wieland - Chapter 21- Buchanan County Solid Waste Commission) 7/9/2025 - Information Gathering/IR Process
18. 25FC:0073 (Justin Scott - Chapter 21- Denver Community School District) 6/12/2025 - Information Gathering/IR Process
19. 25FC:0072 (Jonathan Uhl - Chapter 22- Scott County / Scott County Attorney's Office) 6/13/2025 - Information Gathering/IR Process
20. 25FC:0074 (Noelle Bolibaugh - Chapter 22- Oskaloosa School District) 6/16/2025 - Information Gathering/IR Process
21. 25FC:0075 (Chris Stevens - Chapter 22- City of Swea City IA) 6/17/2025 - Information Gathering/IR Process
22. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
23. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process

24. 25FC:0082 (Tim Ferguson - Chapter 22- Davenport Police Lieutenant Dennis Colclasure of the Davenport Police department informed me as well as per the document says I will be provided in writing of the outcome of the investigation. I would like to know any and all information pertaining to the) 6/24/2025 - Complaint Opened/Acknowledged
25. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process
26. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process
27. (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 7/9/2025 - Information Gathering/IR Process
28. 25FC:0097 (EyesOffCR - Chapter 22- City of Storm Lake) 7/21/2025 - Complaint Opened/Acknowledged
29. 25FC:0100 (William Hendrikson - Chapter 22- Clear Lake Police Department, Cerro Gordo County Jail, Cerro Gordo County Attorney's Office, and Iowa State Patrol) 7/30/2025 - Complaint Opened/Acknowledged
30. 25FC:0101 (Monte Jacobsen - Chapter 22- Grundy County Attorney's Office; Grundy County Sheriff) 8/12/2025 - Complaint Opened/Acknowledged
31. 25FC:0103 (Charlie Comfort - Chapter 22- Oskaloosa School District) 8/13/2025 - Complaint Opened/Acknowledged
32. 25FC:0104 (Tim Ferguson - Chapter 22- City of Davenport and Davenport Police Department) 8/13/2025 - Complaint Opened/Acknowledged
33. 25FC:0107 (Christopher Wyant - Chapter 21- Mayor, city clerk and 2 council members) 8/14/2025 - Complaint Opened/Acknowledged
34. 25FC:0112 (Robert Alvarez - Chapter 22- University of Iowa) 8/20/2025 - Complaint Opened/Acknowledged
35. 25FC:0119 (Tim Ferguson - Public Records Law- City of Davenport custodian) 8/21/2025 - Complaint Opened/Acknowledged
36. 25FC:0113 (Mariah Oliver - Chapter 21- Paullina City Council) 8/22/2025 - Information Gathering/IR Process
37. 25FC:0120 (Tim Ferguson - Chapter 22- Davenport Police Department & City of Davenport) 8/26/2025 - Complaint Opened/Acknowledged
38. 25FC:0121 (Tim Ferguson - Chapter 22- Scott County) 8/26/2025 - Complaint Opened/Acknowledged
39. 25FC:0115 (David Carney - Chapter 22- City of Ankeny, Iowa) 8/27/2025 - Complaint Opened/Acknowledged
40. 25FC:0118 (Paullina Resident - Chapter 21- Paullina City Council) 8/27/2025 - Complaint Opened/Acknowledged
41. 25FC:0114 (Andrew Smith - Chapter 22- Cedar Rapids Police Department) 8/27/2025 - Complaint Opened/Acknowledged
42. 25FC:0117 (Gary Clear - Open Meetings Law- East Union Community School District Board of Education) 8/27/2025 - Complaint Opened/Acknowledged

43. 25FC:0122 (Tim Ferguson - Chapter 22- Muscatine County recorder@muscatinecountyiowa.gov) 8/30/2025 - Complaint Opened/Acknowledged
44. 25FC:0123 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Complaint Opened/Acknowledged
45. 25FC:0124 (Jack Elder - Chapter 22- City of Lake City, Iowa) 9/9/2025 - Complaint Opened/Acknowledged
46. 25FC:0126 (Don McGregor - Chapter 22- Kossuth County Board of Supervisors) 9/11/2025 - Complaint Opened/Acknowledged

XI. Contested Case Update

1. 24FC:0092 (Aubrey Burress - Both- Pleasant Grove township) 10/21/2024 - Contested Case

XII. HF 706 Training Providers (Miller & Lee)

1. Approved.
 - a. Iowa League of Cities
 - b. Iowa Association of Municipal Utilities
 - c. Lynch Dallas, P.C.
2. Pending Approval.
 - a. Hopkins & Huebner, P.C
 - b. Broadlawns Medical
 - c. Midwest Assistance Program (MAP)

XIII. Committee Reports

1. Training – (Lee)
2. Legislative – (Miller)
3. Rules – (Miller)

XIV. Office status report. (Miller)

1. Office Update * (Miller)
2. Financial/Budget Update (FY25) * (Miller)
3. Presentations/Trainings (Lee)
4. District Court Update (Miller)

XV. Next IPIB Board Meeting will be held on October 16, 2025, at 1:00 p.m.

XVI. Adjourn

*** Attachments**

IOWA PUBLIC INFORMATION BOARD

DRAFT

August 21, 2025

Unapproved Minutes

The Iowa Public Information Board (IPIB) met on August 21, 2025, for its monthly meeting at 1 p.m. at the offices of the Iowa Public Information Board located at 510 East 12th Street, Des Moines. The following members participated: Joan Corbin (remote), E.J. Giovannetti, Barry Lindahl, Catherine Lucas, Luke Martz (remote), Joel McCrea, Monica McHugh (remote), and Jackie Schmillen (remote). Also present were IPIB Executive Director, Charlotte Miller; IPIB Agency Counsel, Alexander Lee. A quorum was declared present by Chair.

On a motion by Lindahl and second by Giovannetti, to approve the agenda. **Adopted, 8-0.**

On a motion by Lindahl and second by Giovannetti, to approve the July 17, 2025 minutes. **Adopted, 8-0.**

Public Forum. No comments.

Comments from the Board Chair.

1. **Changes to the meeting.** The Chair discussed adding additional rebuttal time to 5 minutes opening statements to ensure parties feel heard.

Consent Agenda.

1. **Dismissals.** On a motion by Lindahl and second by McCrea, to approve the dismissals within the consent agenda. **Approved, 8-0.**
2. **Acceptance.** On a motion by Lindahl and second by McHugh, to approve the acceptances within the consent agenda. **Approved, 8-0.**

HF 706 Training Providers Approval. Lucas gave an overview of the requirements for training.

- a. **Ahlers & Cooney, P.C.** Maria Brownell, representing Ahlers & Cooney, P.C., addressed the Board.
- b. **Iowa State Extension and Outreach Community and Economic Development.** Sarah Shonrock and Erin Mullenix, represented Iowa State Extension and Outreach Community and Economic Development.
- c. **Linn County.** Darrin Gage, represented the County and provided information about extending training to surrounding area and counties.
- d. **League of Cities.** By Mickey Shields represented Iowa League of Cities. Board discussion occurred.

Motion to provide staff authority to approve training providers prior to board meeting by Giovannetti, and second by McHugh. Approved, 8-0.

Advisory Opinion. The Board was briefed on the Advisory Opinion and acted as follows:

1. **25AO:0011 (Alexander Lee) 7/31/2025 Who is required to complete mandatory training on Chapters 21 and 22 under Section 21.12?** Board discussion occurred. On a motion by Gionviannetti and second by McCrea, to approve the Advisory Opinion. Approved, 8-0.

Cases involving Board Deliberation/Action. The Board was briefed on each complaint and acted as follows:

1. **24FC:0089 (Curtis Wagler - Chapter 22- Henry County Sheriff's Office) 10/8/2024 – Draft Dismissal Order.** Lee presented on behalf of IPIB staff. Peter Sand, representing Henry County Sherriff's Office, and Henry County Sherriff addressed the board. Danny Cornell, on behalf of Curtis Wagler, provided a statement to the board. The Board discussed the matter. On a motion by Gionvetti and second by McHugh, to adopt the staff's recommendation. Approved, 6-1. One recused.
2. **24FC:0092 (Aubrey Burress - Both- Pleasant Grove Township) 10/21/2024 - Contested Case.** The Board was briefed on the contested case proceeding and directed Miller to contact an administrative law judge and receive more information on the role an administrative law judge will have in the proceeding. No action taken.
3. **25FC:0040 (Stephanie Erickson - Chapter 21- Indianola City Council) 4/10/2025 - Informal Resolution Report.** Lee presented on behalf of IPIB staff. Matt Brick appeared on behalf of Indianola. The Board discussed the matter. On motion by Lindahl, second by McHugh, to adopt staff recommendation. Approved, 8-0.
4. **24FC:0120 (Paul Dorr - Both- Osceola County, Iowa) 11/27/2024 – Final Report.** Miller presented the final report on the case. On a motoin by Lindahl, second by Matz, to adopt staff recommendation. Approved, 7-0. One abstained.

Matters Withdrawn, No Action Necessary.

1. 25FC:0068 (Kelley DeLong - Chapter 22- Benton County Sheriff Department) 6/5/2025
2. 25FC:0084 (Lucian Diaconu - Chapter 22- Great Prairie AEA) 7/1/2025
3. 25FC:0094 (Barclay Woerner - Chapter 21- Cedar Rapids Community School District) 7/17/2025
4. 25FC:0095 (Kevin Terdal - Chapter 22- IPERS) 7/18/2025

Pending Advisory Opinion and Complaints.

1. (Nicole Cox - - City of Centerville) 8/7/2025 - New / Question Information Reviewed- Is a letter/email sent to a city by the attorney of an opposing party considered to be a confidential public record?
2. 24AO:0013 (Erika Eckley - -) 12/12/2024 - New / Question Information Reviewed - How should interviews for public employees be conducted after the Teig v. Loeffler decision?
3. 25AO:0007 (Jack Hatanpa - - Brick-Gentry, P.C.) 5/30/2025 - Acknowledgement of QuestionWhat obligation does a city have to retrieve public records from an uncooperative non-government actor?
4. 25AO:0008 (Kalen McCain - -) 6/27/2025 - Acknowledgement of Questionwork product of an attorney and 22.7 11a (1) through (5,)
5. 25AO:0010 (Jordan George - - City of Newton) 7/2/2025 - New / Opinion Information Reviewed - What redactions of Chapter 22 public records are permitted by a governmental entity and what degree of an explanation must be provided for each redaction?
6. 24FC:0110-1 (Keegan Jarvis - Chapter 21- City of Swan IA) 11/6/2024 - Information Gathering/IR Process
7. 25FC:0012 (Matt Loffer - Chapter 22- City of Marengo, Marengo Police Department) 2/3/2025 - Information Gathering/IR Process
8. 25FC:0018 (Tammy Wise - Chapter 21- Tama County) 2/10/2025 - Information Gathering/IR Process
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27. 25FC:0076 (Ken Allsup - Both- Oskaloosa School Board) 6/17/2025 - Information Gathering/IR Process
28. 25FC:0077 (Terra Helmers - Chapter 21- Tripoli City Council) 6/20/2025 - Complaint Opened/Acknowledged
29. 25FC:0079 (Judith Lee - Chapter 22- City of Davenport) 6/24/2025 - Information Gathering/IR Process
30. 25FC:0082 (Tim Ferguson - Public Records Law- Davenport Police) 6/24/2025 - Complaint Opened/Acknowledged
31. 25FC:0083 (Amber Turner - Chapter 21- Mitchellville City Council and Mayor) 6/30/2025 - Information Gathering/IR Process
32. 25FC:0089 (Charlie Comfort - Chapter 22- Oskaloosa Community School District) 7/7/2025 - Information Gathering/IR Process
33. (John Rasmussen - Chapter 21- Pottawattamie County Board of Supervisors) 7/9/2025 - Information Gathering/IR Process
34. 25FC:0097 (EyesOffCR - Chapter 22- City of Storm Lake) 7/21/2025 - Complaint Opened/Acknowledged
35. 25FC:0100 (William Hendrikson - Chapter 22- Clear Lake Police Department, Cerro Gordo County Jail, Cerro Gordo County Attorney's Office, and Iowa State Patrol) 7/30/2025 - Complaint Opened/Acknowledged
36. 25FC:0101 (Monte Jacobsen - Chapter 22- Grundy County Attorney's Office; Grundy County Sheriff) 8/12/2025 - Complaint Opened/Acknowledged

37. 25FC:0105 (Vicky Brenner - Chapter 22- Madison County Appointed Auditor) 8/12/2025 -
New / Complaint Information Reviewed

Committee Reports

1. **Training.** Lee provided an update on meetings and work being completed. Board discussion occurred.

Office status report.

1. **Office Update.** Miller provide an update on status of cases and fulfilling the Attorney 2 role.

2. **Financial/Budget Update (FY25).** Miller reviewed financials with the Board.

3. **Presentations/Trainings.** Lee gave an update on presentations and trainings.

4. **District Court Update.** Miller gave an update on pending court cases.

Board Discussion. Discussion was held about the format of board meetings going forward.

Next IPIB Board Meeting will be held on September 18, 2025, at 1:00 p.m.; meeting adjourned at 2:48 PM.

The Iowa Public Information Board

In re the Matter of:	Case Number: 24FC:0110
Keegan Jarvis, Complainant	Investigative Report
And Concerning:	
Swan City, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On November 6, 2024, Keegan Jarvis filed formal complaint 24FC:0110, alleging Swan City (City) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on November 21, 2024.

Facts

Swan City is a small city in Marion County, Iowa, with a population of approximately 76 people. At the time of this complaint, the complainant, Keegan Jarvis, was involved in long-term ongoing litigation with the City on matters outside the scope of IPIB's review.

It is undisputed between the parties that the City failed to post physical notice at least 24 hours prior to its regularly scheduled meeting on November 4, 2024, and no emergency purpose applied to waive the notice requirement. The parties agree that the agenda for the meeting was available on the City's website more than 24 hours before the meeting, and the meeting's date was included on an online events calendar well in advance of either posting. Two members of the public, including Jarvis, attended the meeting. According to meeting minutes, only three matters were voted on, including approval of previous meeting minutes and routine bills, as well as a motion to table discussion of a public records request policy. Community updates were also given.

Informal resolution in this matter was delayed by the consideration of three additional complaints filed by Jarvis against the City, including 24FC:0110 (2 of 2) (voluntarily withdrawn), 24FC:0112 (probable cause dismissal), and 24FC:0126 (dismissal on facial review).

On April 16, 2025, during the informal resolution process, the city council voted 3-0 to discontinue its status of incorporation, citing “lack of interest and participation in the local governing process and increasing costs to the city finances.” Ongoing expenses involved in litigation were cited as a specific factor for discontinuation.¹ The case was put on hiatus for this disincorporation process.

Following the discontinuation vote, the City received a petition to submit the question of discontinuance to the registered voters of Swan, pursuant to the procedure described in Iowa Code § 368.3(2). On September 9, 2025, a special election was held on discontinuance, and unofficial results show a 20-14 vote in favor of disincorporation.²

Applicable Law

“Except as otherwise provided in paragraph ‘c’, notice conforming with all of the requirements of subsection 1 shall be given 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).

Analysis

It is undisputed that the City violated Iowa Code § 21.4(2) by failing to post physical notice more than twenty-four hours before the monthly meeting on November 4, 2024. Upon realizing proper notice had not been provided, the City should have postponed the meeting for a later date without deliberation or action on any other matter.

Nevertheless, the City has now voted to discontinue, pursuant to Iowa Code § 368.3(2), meaning the City will cease to exist as a legal entity, and there will no longer be a governmental body capable of acting as respondents in this case.

Given these considerations, the most appropriate course of action is to dismiss complaint 24FC:0110 as an exercise of administrative discretion, as the matter is now moot.

IPIB Action

The Board may take the following actions upon receipt of an investigative report:

- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;

¹ Todd Magel, *Small Iowa Town of Swan Votes to Dissolve After Nearly Two Centuries*, KCCI (Apr. 17, 2025), <https://www.kcci.com/article/small-iowa-town-of-swan-votes-to-dissolve-after-nearly-two-centuries/64516021>.

² *Southeast Iowa Town Votes to Un-Incorporate in ‘Swan Song’ Election*, KCCI (Sept. 9, 2025), <https://www.kcci.com/article/southeast-iowa-town-votes-to-un-incorporate-in-swan-song-election/66031839>.


- 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.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

It is recommended the Board make a determination that probable cause exists to believe a violation has occurred but, as an exercise of administrative discretion, dismiss the matter. While the City has acknowledged that it violated Iowa Code § 21.4(2) by failing to provide notice of a meeting at least 24 hours in advance, the imminent discontinuation of Swan City makes this matter moot.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2025, to:

Keegan Jarvis, Complainant
Swan City, Respondent

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0012
Matt Loffer, Complainant	Informal Resolution
And Concerning:	
City of Marengo, Respondent	

On February 3, 2025, Matt Loffer filed formal complaint 25FC:0012, alleging that the City of Marengo (City) violated Iowa Code Chapter 22.

The IPIB accepted this complaint at its meeting on February 20, 2025.

Background

On December 9, 2024, the complainant, Matt Loffer, submitted a Chapter 22 request seeking copies of “call for service” records involving abandoned vehicles. Twelve records were ultimately released, with an accompanying fee of \$78.97. The City provided a breakdown of this fee as follows: \$42.47 was charged for one hour of the city police chief’s time as the official or employee who responded to the request, \$36.00 for the production of the calls for service, and \$0.50 for a single highlighted copy of the Municipal Code of Ordinances which described the criteria for when a vehicle is considered an “abandoned vehicle.” The \$36.00 cost was based on Resolution No. 24-46, “A Resolution Setting Fees for City Services,” which provides a \$3.00 flat fee for each copy of a call for service record produced by the City’s police department. In this case, each record was two pages each, for a total of twenty-five pages, which were delivered electronically.

Resolution 24-46, as approved in December 2023, currently lists various fee schedules for different types of public records. For general records requests, the City charges a \$10.00 administrative fee, with a \$20.00/hour fee charged for “labor intensive requests,” and an additional printing fee of either \$0.25/page or \$0.50/page depending on whether color ink is used. A different fee schedule applies to police department records, which lists fees of \$25.00/DVD for police video records, \$5.00/record for crash reports, \$5.00/record plus \$0.25/page for incident reports, and \$3.00/record for calls for service reports.

Mr. Loffer has paid the \$78.97 fee, and the requested records were duly released by the City.

Applicable Law

“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 requested upon receipt of the request.” Iowa Code § 22.3(1).

“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. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information.” Iowa Code § 22.3(2).

Informal Resolution

Following IPIB’s informal resolution process, the parties have reached an agreement that will allow for the recalculation of fees charged to Mr. Loffer under revised rates. This recalculation is necessary, as the current policy appears to be in violation of Iowa Code § 22.3 according to a determination made by IPIB staff, and the City has consented to a revision of its fee schedule in order to satisfy these concerns.

Pursuant to Iowa Code § 23.9, IPIB presents the following terms for an informal resolution of this matter:

1. This Informal Resolution will be formally approved at a meeting of the Marengo City Council. The City will include a copy of this Informal Resolution in its meeting minutes and will provide IPIB staff with a copy of the minutes demonstrating approval.
2. Members of the Marengo City Council, along with the City’s Chief of Police, will complete training on Iowa’s open meetings and public records laws. This training will be arranged by the City and conducted by IPIB in open session.
3. The City will work with IPIB staff to amend the records request fees portion of Resolution No. 24-46 to conform to the requirements of Iowa Code § 22.3(2), with retrieval fees

estimated according to anticipated employee time and the cost of materials, if any, rather than charging flat fees according to the type of record. As a part of this reevaluation, the City will reassess the per-page printing costs to be charged in the event that physical copies are required. The revised fee policy will also reflect the language in Iowa Code § 22.3(1), which states that “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.” Fulfillment of this term will be subject to a final review by IPIB.

4. Following the adoption of a new policy pursuant to Term #3, the City will work with IPIB staff to recalculate the fees charged for Mr. Loffer’s December 2024 records request, considering only the costs associated with delivering electronic records. As part of this recalculation, the City will provide a brief explanation of how the Chief of Police responded to the request, for the purpose of determining whether the time spent on the request was reasonable. If the recalculated cost is less than \$78.97, the City will issue a partial refund equal to the difference. In the event that the recalculated cost is equal to or greater than \$78.97, this term will be considered satisfied. Fulfillment of this term will be subject to a final review by IPIB.

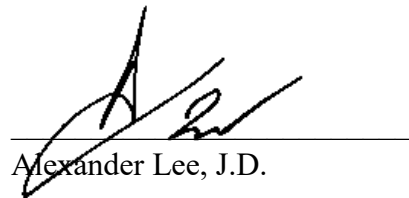
The terms of the Informal Resolution will be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon a showing of proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

Matt Loffer approved the Informal Resolution on September 8, 2025.

The City of Marengo approved the Informal Resolution on August 27, 2025.

The IPIB staff recommend the IPIB approve the Informal Resolution Report.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2025, to:

Matt Loffer, Complainant
City of Marengo, Respondent

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0031
Michael Chapman, Complainant	Investigative Report
And Concerning:	
Waterloo Community School District Finance Committee, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Investigative Report:

On March 26, 2025, Michael Chapman filed formal complaint 25FC:0031, alleging the Finance Committee of the Waterloo Community School District Board of Education (Board) violated Iowa Code Chapter 21.

The IPIB accepted this Complaint on April 17, 2025.

Facts

The Waterloo Community School District is a public school district in Black Hawk County, which is overseen by a seven-member Board of Education. There is no question that this Board is “[a] board, council, commission, or other governing body of a political subdivision or tax-supported district in this state,” meaning that it qualifies as a governmental body subject to Chapter 21 open meeting law. Iowa Code § 21.2(1)(b). The sole disagreement between the parties in this matter is whether the Finance Committee, which serves under the Board, is also a governmental body.

The facts are not disputed. The Finance Committee is a permanent three-member body, currently comprised of the Board’s President, the Board’s Vice President, and another Board member. There is no requirement that the President and VP serve, but the first two positions have traditionally been reserved to these officers, with the third member invited by the President based on interest.

The Finance Committee typically meets once per month. These meetings are also generally attended by the District’s Superintendent, the Board Treasurer, and the Board Secretary. Other District staff and representatives from District schools may attend at least some of these meetings.

The District's legal counsel was unable to find any minutes or resolutions which reflect when or how the Finance Committee was created. It is the respondents' belief that the committee "was likely started by a prior Superintendent, informally by a prior board, or a combination of both." At a minimum, the Finance Committee has existed for a period of years, and a search conducted by the respondents during IPIB's investigation revealed documents from 1992, over three decades ago, describing approval of committee members for another existing Board committee.

The Finance Committee is broadly responsible for reviewing the District's budget, expenses, balance sheets, and related financial matters. These responsibilities include initial review of monthly expense summaries, for the purposes of ensuring the District stays within its budget. The Finance Committee also researches and makes recommendations on larger financial expenditures before they go to the full Board. For example, if the Board were selecting a new insurance policy, the Finance Committee would gather documents, review options, and provide a non-binding recommendation to the Board. Matters within the Finance Committee's purview often begin in committee before being presented to the Board for final approval.

On March 26, 2025, the complainant, Michael Chapman, attempted to attend a meeting of the Finance Committee. Before the meeting began, the District Superintendent informed Chapman that the meeting was not open to the public, and Chapman was then escorted out of the building. The same day, Chapman filed formal complaint 25FC:0031, alleging that he had been unlawfully excluded from a meeting required to be held in open session under Chapter 21.

The respondents agree that Chapman has same right as any other member of the public to attend meetings of the main Board. However, the respondents maintain 1) that the Finance Committee is a purely advisory body without policy-making duties of its own and 2) that it was not "formally and directly" created by the Board, meaning that it should not be required to follow Chapter 21.

The respondents have expressed a desire to comply with the requirements of Chapter 21. As such, the parties now seek IPIB's guidance on whether the Finance Committee qualifies as a governmental body capable of holding meetings subject to Chapter 21.

Applicable Law

“*Governmental body*” means:

- b.* A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.
- c.* A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs ‘*a*’ and ‘*b*’ of this subsection.” Iowa Code § 21.2(1)(b), (c).

Analysis

I. Purely Advisory Groups vs Policy-Making Bodies

The key precedent for this case is *Mason v. Vision Iowa Board*. In *Mason*, the Iowa Supreme Court considered a Chapter 21 challenge brought against a negotiating committee of the Vision Iowa Board, which administered two similar programs created to promote tourism and community attractions through the award of monetary grants. 700 N.W.2d 349, 351 (Iowa 2005).

The negotiating committee at issue in *Mason* was established at the recommendation of an intermediate review committee “to determine a potential award amount and to recommend” which type of grant was appropriate for a specific bid. *Id.* This committee was appointed by the board chair from members of the board and, over a period of months, the committee worked with representatives for the proposal to review various matters, including financial feasibility and environmental effects. *Id.* at 351–52. The committee ultimately recommended certain components of the application be severed and reconsidered for a smaller grant, with the remainder denied, and the Vision Iowa Board adopted this recommendation in full. *Id.* at 352.

The *Mason* Court declined to find any Chapter 21 violation, concluding the negotiating committee was incapable of creating a “meeting” pursuant to Iowa Code § 21.2(2) where none of their deliberations or actions were “in furtherance of any policy-making duty,” given the committee’s purely advisory role. *Id.* at 354. Policy-making, for the purposes of open meetings law, meant “deciding with authority a course of action,” as opposed to merely “recommending or advising what should be done.” *Id.* While the Court recognized that “purely advisory groups” described by Iowa Code §§ 21.2(1)(e) or (h) were intended by the legislature to be subject to Chapter 21, this did not affect the “policy-making duties” requirement of Iowa Code § 21.2(2) for other categories of governmental body. *Id.* at 355. Therefore, because the negotiating committee’s role was merely “to determine a *potential* award amount and to *recommend* whether it should be a Vision Iowa or a CAT award,” and there was no evidence the committee had “authority to *set* the award amount or *decide* whether it should be made under the Vision Iowa or CAT programs,” the committee had not held any Chapter 21 meeting. *Id.* at 356 (emphasis in original).

Similar findings have been made in a handful of other cases. *See Donahue v. State*, 474 N.W.2d 537, 538–39 (Iowa 1991) (finding university administrative panels formed to review individual promotion and tenure decisions were purely advisory boards, as these panels “exercise[d] no policy-making power,” could not make binding decisions, and were “far removed from the [board of] regents,” even if their recommendations were given “great weight”); *see also Hummel v. Des Moines Indep. Cmty. Sch. Dist.*, No. 08–0763, 2009 WL 777929, at *3–4 (Iowa Ct. App. Mar. 26, 2009) (finding that a seven-member review committee formed from school district and community members to consider proposals to purchase and develop a closed elementary school lacked policy-

making duties under *Mason*, as the committee's only role was to review proposals and recommend a favored bid to the school board, which explicitly "maintain[ed] control over all decisions").¹

II. Whether the Finance Committee is Purely Advisory or Policy-Making

Judicial precedent is limited in defining the boundaries of what constitutes a "purely advisory" group, and IPIB's own case law interpreting *Mason* is inconclusive and at times contradictory.

The respondents cite *Mason* to argue that the Finance Committee is exempt from Chapter 21 requirements as a "purely advisory" group, which merely "recommend[s] or suggest[s] a course of action" to the Board, as the final decision-maker for the District. Nevertheless, there are several factors which distinguish the Finance Committee from "purely advisory" groups.

First, the Finance Committee has the apparent authority to set its own priorities and agendas, albeit within certain boundaries, and thereby influence the priorities of the Board above it. Unlike in *Mason*, *Donahue*, and *Hummel*, where the bodies in question were tasked with researching specific and well-defined questions delegated by their principals, the District's financial matters are regularly presented to the Finance Committee before the full Board.² This is a critical distinction when considering *Mason*'s definition of "policy-making" as the act of "deciding with authority a course of action." Even if final Board approval is required in all instances, the Finance Committee is still setting or directing a course of action for the District whenever it drafts a proposed budget or initiates the process of selecting a new insurance policy. *Contra. Mason*, 700 N.W.2d at 349 (emphasizing that the full board "made the ultimate decision on the course of action" and that the negotiating committee had merely made recommendations "within the conditions established by the board's grant"); *Hummel*, 2009 WL 777929, at *4 (finding the review committee had no responsibilities beyond "simply recommending or suggesting to the school board the development proposal it should accept" and citing an affidavit stating the committee was not "responsible for or able to eliminate any proposals from the board's consideration").³

Second, relatedly, the Finance Committee is a permanent body with an extensive purview, which embraces numerous topics under the umbrella of "finance," including everything from budgets to district insurance policies. This contrasts substantially with the entities discussed in *Mason*, *Donahue*, and *Hummel*, each of which were temporary groups created to research specific issues before being disbanded (a single grant application, a specific employee's appeal of a promotion

¹ Note that *Hummel* is an unpublished, non-precedential decision, cited for its persuasive value.

² According to the respondents, both proposed budget amendments and "larger, non-routine expenses" within the District would typically come before the Finance Committee first, then presented with recommendations to the Board for "full discussion and consideration."

³ See also *Are Advisory Bodies Subject to Iowa's Open Meetings Law?*, Iowa Att'y Gen., <https://www.iowaattorneygeneral.gov/about-us/sunshine-advisories/are-advisory-bodies-subject-to-iowas-open-meetings-law> (last updated Dec. 1, 2014) (suggesting that an advisory body which "narrow[s] the range of options for final decision by a governmental body" may be acting in a manner "tantamount to decision-making").

decision, and six competing bids for the purchase of a closed school building, respectively). In the context of the first factor, above, both permanence and broad jurisdiction contribute to the Finance Committee's discretion in steering the District's policies, at least on financial matters.

Finally, the nature and composition of the Finance Committee is such that the "basis and rationale of governmental decisions" is likely to be found in the committee's deliberations, rather than in Board meetings. *See* Iowa Code § 21.1. Here, the Finance Committee carries unusual implicit authority, not only because it is composed of Board members (including both elected leaders), but also by virtue of being a permanent standing committee entrusted with previewing much of the District's financial affairs before they are presented to the Board for final approval. Such committees distribute the burdens of governance by delegating major categories of the principal body's policy-making process to subgroups of members trusted for their subject-matter expertise. This differs from *Donahue*, where jury-style faculty panels were an intermediate step designed to bring in peer perspectives between an appealed decision and a final judgment, and *Hummel*, where community representatives were used to ensure the contentious sale of a closed school building would be "sensitive to the needs of the neighborhood and public interests." *Donahue*, 474 N.W.2d at 537; *Hummel*, 2009 WL 777929, at *1. This also differs from *Mason*, where the disputed committee was created as a means to assign a small subgroup of board members with studying a particular funding issue, which later evolved into a vehicle for multiple board members to attend negotiations with the proposal's representatives, all within narrowly drawn guidelines. *Mason*, 700 N.W.2d at 351 ("the chair contacted various members of the board to serve on the negotiating committee, but the bulk of negotiating fell to the board chair and another board member").

These factors, taken together, suggest a scope of functional authority tantamount to decision-making, beyond merely "recommending or advising what should be done" on assigned matters. It cannot have been the Court's intent in *Mason* to exclude such groups from Chapter 21 where all other requirements are met.

III. Whether the Finance Committee is "Multimembered" & "Formally and Directly Created"

In addition to the "policy-making" inquiry of *Mason*, the Finance Committee must also satisfy the remainder of Iowa Code § 21.2(1)(c) to be considered a governmental body. That they are a "multimembered body" with clearly defined membership is not in dispute. What the respondents do dispute is whether the body was "formally and directly created," as they have been unable to find minutes or records showing its creation, though the respondents believe "the committee was likely started by a prior Superintendent, informally by a prior board, or a combination of both."

Applicable court precedent does not clearly define what it means to be "formally and directly created." In lieu of case law, the respondents cite a 1993 Attorney General's Opinion, which advises in part that "[t]his office has construed 'formally and directly' to mean created by the vote

of a delegating body upon a resolution or motion or equivalent means, but not constituted or appointed by an intermediary or representative of that delegating body such as an executive director or secretary.” Op. No. 93-11-5, 1993 Iowa Op. Att’y. Gen. 59.⁴

Notably, this excerpt summarizes other AG’s opinions, which consider the question more fully. Interpreting the term “formally,” referenced opinions cite Webster’s dictionary to define “formal” as “requiring special or stipulated solemnities or formalities to become effective,” such that “the requirement . . . would be satisfied by a vote upon a resolution or motion or equivalent means.” Op. No. 87-7-4 (L), 1981 Iowa Op. Att’y. Gen. 162. The formality requirement must reasonably be understood to exclude unofficial, transient groupings, but insofar as this definition would allow a delegating body the option to exempt an otherwise qualifying secondary body by disclaiming it, such a rigid interpretation would be inconsistent with the spirit of the law and Iowa Code § 21.1’s direction that “[a]mbiguity in the construction or application of this chapter should be resolved in favor of openness.” *Cf. id.* (“a city council does not possess the power to declare, by ordinance or resolution, that one of its boards or committees is exempt from the Open Meetings law”). A body should therefore be considered “formally” created if it is treated as a formal secondary body by its principal and recognized as such in official contexts, a standard met where Board minutes routinely refer to and adopt recommendations of “the District’s Finance Committee” as a recognized entity.⁵

As for whether a body is “directly” created, the respondents do not claim to know the origin of its Finance Committee, but they believe it was “likely started by a prior Superintendent, informally by a prior board, or a combination of both.” Regardless of origin, however, the District’s long-standing practice is dispositive in this instance, as the Board President and VP appear to serve by custom and/or at their own discretion, while the remaining member is recruited based on interest. Indeed, it is difficult to imagine how a body composed entirely of members taken from the District’s principal governing body could have been authentically “constituted or appointed by an intermediary.” *See also id.* (advising that a body was still “formally and directly” created where it was initially formed by a city mayor and subsequently authorized by vote of the city council).

Because the Finance Committee appears to be 1) a multimembered body, 2) which was formally and directly created by the Board of Education, and 3) which has some policy- or decision-making authority, it meets Iowa Code § 21.2(1)(c)’s definition of a “governmental body” and its meetings may therefore be subject to the requirements of Chapter 21. In practice, this same finding would apply to the vast majority of permanent subcommittees sharing common membership with their delegating boards or councils,⁶ as these subcommittees generally have broad jurisdiction over a

⁴ Although Attorney General’s Opinions are not binding legal authorities, and existing opinions on the subject predate key judicial precedent, they are nevertheless considered highly persuasive.

⁵ *See Meeting Minutes of July 14, 2025*, Waterloo Community School District Board of Education, <https://www.waterlooschools.org/board/files/2025/08/July-14-2025-Meeting-Minutes.pdf> (last visited Sept. 4, 2025).

⁶ Assuming these parent bodies are “governmental bodies” defined by either Iowa Code § 21.2(1)(a) or (b) – this includes state agency boards, city councils, boards of supervisors, school boards, etc.

category of policy matters, maintain meaningful discretion to set their own agendas, and are both formally recognized and intrinsically directly created by their parent bodies.

IPIB Action

The Board may take the following actions upon receipt of a probable cause report:

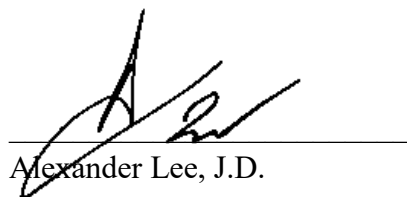
- a. Redirect the matter for further investigation;
- b. Dismiss the matter for lack of probable cause to believe a violation has occurred;
- c. Make a determination that probable cause exists to believe a violation has occurred, but, as an exercise of administrative discretion, dismiss the matter; or
- 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.

Iowa Admin. Code r. 497-2.2(4).

Recommendation

It is recommended the IPIB find from the stipulated facts that the Finance Committee is a governmental body under Iowa Code § 21.2(1)(c) and redirect the matter for further investigation.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2025, to:

Michael Chapman, Complainant
Waterloo Community School District, Respondent

The Iowa Public Information Board

In re the Matter of:

Case Number: 25FC:0031

Michael Chapman, Complainant

Response to Investigative Report

And Concerning:

Waterloo Community School District Finance
Committee, Respondent

COMES NOW the Respondent, the Waterloo Community School District, and for their response to the Investigative Report states:

Please allow this letter to serve as the District's response to the Investigative Report. As an initial matter, we would like to mention that the investigative process by the investigator has been very open and professional, which has allowed for very candid conversations regarding the factual circumstances and a discussion of the applicable law.

We would also like to note the importance of clarity in IPIB's decision. Public bodies have numerous meetings, ranging from formal board meetings, committee meetings, and meetings between day-to-day employees. There are citizens who believe that they should be present for any and all discussions regarding entire subject matters. Such public attendance for every meeting would be extremely cumbersome and prohibit any efficient operation of a public entity. While we understand this ruling just pertains to the District's Finance Committee, the broad interpretation of what constitutes a government body could have further reaching effects.

I. Historical context and case law.

The primary question before the Board focuses on whether the Finance Committee is a government body and whether a meeting occurred. It appears that our case law has somewhat of

a convoluted history. But a review of the statute and the governing case law shows that prior to 1993, generally open meeting laws applied to boards and councils. The statute was then amended in 1993 to add:

c. “A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs “a” and “b” of this subsection.”

h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.

Iowa Code Ann. § 21.2.

After the passage of the amendment there was confusion, as the definition of a government body under the Code now included these “advisory” committees. While the definition of government body changed, the definition of a meeting did not. To be a meeting, it requires deliberation or action on a matter within the scope of the government body’s policy-making duties. I.C.A. § 21.2. Accordingly, the tension was that “advisory” groups were now deemed a government body, but most of the time they don’t have any policy making ability, so how can they ever have a meeting? It appears the leading authority deciding that issue is *Mason v. Vision Iowa Bd*, 700 N.W.2d 349 (Iowa 2005).

Before analyzing *Mason*, it is perhaps noteworthy to mention an Iowa Attorney General Opinion. The opinion itself we think was largely overruled by *Mason*, however, the opinion helps provide guidance on what groups or committees the statute actually applies to:

Having thus concluded that advisory committees appointed by school boards and county boards of supervisors may be subject to the open meetings law under the amended definition of “governmental bodies,” we must not be “oblivious to the practical effect” of our statutory construction. AFSCME v. State, 484 N.W.2d 390, 395 (Iowa 1992); see Iowa Code § 4.4(3) (1993). We doubt that the legislature intended to pull every informal, ad hoc group formed at the behest of a local public official under the open meetings law. See Emmetsburg Ready Mix Co. v. Norris, 362 N.W.2d 498, 499 (Iowa 1985) (spirit of statute must be considered, as well as the words; construction should be sensible, workable, logical; inconvenience and absurdity should be avoided).

Where, then, is the line to be drawn between advisory committees that constitute “governmental bodies” under the amendment and those exempt by practical necessity? The Department of Education's third question presupposes a useful dividing line. We do not believe that the legislature intended the term “political subdivisions” to encompass individuals such as superintendents or other school administrators. Such individuals would be considered employees of a political subdivision. See Iowa Code § 279.20, see also Iowa Code s 68B.2(21).

The legislature apparently used “political subdivision” in subsection (h) as shorthand for “a board, council, commission, or other governing body of a political subdivision” as used in section 21.2(1)(b). Accordingly, a functional interpretation of “executive order” is an order or rule issued by the governing body of a political subdivision, that is the popularly elected body with final executive authority, comparable to the governor on a state level. Thus, **elected school boards possess authority to issue such orders, while board-appointed superintendents do not.** As a result, the term “executive order” as used in the legislative amendment delimits the entities capable of creating this new variety of “governmental bodies,” as opposed to modifying the means by which such advisory committees are created.

This reading of “created by an executive order of a political subdivision” is consistent with our interpretation of “formally and directly created” as used in subsection (c). **This office has**

construed “formally and directly” to mean created by the vote of a delegating body upon a resolution or motion or equivalent means, but not constituted or appointed by an intermediary or representative of that delegating body such as an executive director or secretary. 1980 Op. Att’y Gen. 148, 150-51.

Finally, not all advisory committees created by governing bodies of political subdivisions will be subject to the open meetings law pursuant to new subsection (h). Only those advisory committees created “to develop and make recommendations on public policy issues” will be considered “governmental bodies.” For instance, a task force created to measure the extent of a problem and deliver raw data to the board of supervisors or school board would not be covered because it would not be charged with recommending any particular course of action. On the other hand, we do not see the phrase “public policy issues” as limiting the application of the amendment, given that governing bodies of political subdivisions consider nothing but public policy issues. See Iowa Code §§ 331.301(1) (grant of home rule powers does not include power to enact private or civil law governing civil relationships); 274.1, 274.7, 279.8 (school board’s authority is limited to school matters).

In sum, it is our opinion that advisory bodies created by school boards and county boards of supervisors to develop and make recommendations on public policy issues are included within the expanded definition of governmental bodies subject to the Open Meetings Law, despite the legislature’s use of the phrase “created by executive order of a political subdivision.” We conclude that “executive order” confines the authority to create such advisory committees to those elected entities with final executive authority for the political subdivision, rather than restricting the manner in which such advisory committees are created.

1993 Iowa Op. Att’y Gen. 59 (1993)(bolded for emphasis).

Accordingly, the definition of government body, which includes advisory committees by statute, only applies to advisory committees that are formally and directly created by a vote of the governing body itself (here, the school board). The District has been unable to find any meeting

minutes or resolutions that established the finance committee. Members of the finance committee also are not voted on, rather they are volunteers.

Regarding the *Mason* case, the Iowa Supreme Court held:

The law specifically defines a “meeting” as

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*.

Id. § 21.2(2) (emphasis added).

Mason v. Vision Iowa Bd., 700 N.W.2d 349, 353–54 (Iowa 2005).

Thus, “policy-making” is more than recommending or advising what should be done. “Policy-making” is deciding with authority a course of action. Although the plaintiffs contend there is nothing in the statutory definition “that restricts the open-meetings requirement ... to bodies that have decision-making authority,” the authority to make a decision is inherent in the duty to *make* policy. *See* 1980 Op. Iowa Atty. Gen. 148, 152–53 & n. 3 (stating requirement in statutory definition of “meeting” that body exercise “policy-making duties” excludes advisory groups from open-meetings requirement).

The notion that policy-making commonly denotes something more than advice is illustrated by our prior cases applying the open meetings law. In *Donahue*, we held that an advisory board “exercises no policy-making power.” 474 N.W.2d at 539.

Id. at 354.

In determining that a policy-making duty entails some degree of decision-making authority, we have not overlooked the fact that in 1989 and in 1993 the legislature added certain purely advisory groups to the statutory definition of “governmental body,”

Id. at 355.

These groups by definition “make *recommendations* on public policy issues” as opposed to *making policy*. Iowa Code § 21.1(1)(e), (h) (emphasis added). As we have already determined, only gatherings in which a governmental body establishes and directs policy are encompassed in the statutory definition of “meeting.”

Id. However, the Court then analyzed by holding such, would then make the new definition of government body essentially pointless:

Otherwise, the legislature's act of including these entities in the definition of “governmental body” would be a nullity because none of the restrictions and requirements imposed on “meetings” of a governmental body would apply. *See Jenney v. Iowa Dist. Ct.*, 456 N.W.2d 921, 923 (Iowa 1990) (stating court assumes “amendment is adopted to accomplish a purpose and was not simply futile exercise of legislative power”); Iowa Code § 4.4(2) (stating presumption that in enacting a statute, legislature intends the entire statute to be effective). Thus, the specified advisory groups would be subject to the open-meetings requirement when they deliberate or act within the scope of their duty to develop and make recommendations on public policy issues.

The fact that the legislature made specified advisory groups subject to the open meetings law is of no assistance to the plaintiffs here because the negotiating committee was not created by the governor, by the general assembly, by statute, or by executive order of the state or a political subdivision of the state so as to fall within paragraphs (e) or (h) of section 21.2(1).

Thus, the negotiating committee is not one of the statutorily-specified advisory groups subject to the open-meetings requirement. Consequently, we must determine whether the undisputed facts establish that the negotiating committee did not deliberate or act

within the scope of any policy-making duty so that its gathering did not qualify as a “meeting” within the statutory definition of that term.

Id. at 356. The Court then held “we find no support for a finding that the negotiating committee had responsibility for anything more than simply recommending or suggesting to the board what course of action to take”. *Id.* Thus, open meetings did not apply.

II. Analysis.

A. Formally and directly created.

At the heart of this issue is the definition of a governmental body. Iowa Code 21.2 provides:

1. “Governmental body” means:
 - a. A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order.
 - b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.
 - c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs “a” and “b” of this subsection.

There is no dispute that the District’s Finance Committee does not fall under subpart a or b. The question is whether the Finance Committee is a multimembered body “formally and directly” created by the school board. As the investigative report notes, there are no minutes or records showing its creation. Accordingly, it was likely created by a prior Superintendent, informally by a prior a board, or a combination of both several decades ago. Despite acknowledging there is no evidence, by minutes or otherwise, that the Finance Committee was “formally and directly” created by the school board, the Investigative Report recommends that the Finance Committee should be deemed to meet such definitions because “it is treated as a formal

secondary body”. Unfortunately, such interpretation is not supported under the plain reading of the statute, Iowa case law, or IPIB’s past guidance.

The statute itself requires that the committee be “formally and directly created”. The Investigative Report cites to an Attorney General opinion that provides “[t]his office has construed ‘formally and directly’ to mean created by the vote of a delegating body upon a resolution or motion or equivalent means, but not constituted or appointed by an intermediary or representative of that delegating body such as an executive director or secretary.” Op. No. 93-11-5, 1993 Iowa Op. Att’y. Gen. 59. The Investigative Report also notes that Attorney General opinions are “highly persuasive”. In *Mason v. Vision Iowa Board*, which the Investigative Report cites to extensively, the Iowa Supreme Court strictly applied the requirements to meet the definition of an advisory group (holding the committee was “not created by the governor, by the general assembly, by statute, or by executive order” and therefore it was not a government body). *Mason v. Vision Iowa Bd.*, 700 N.W.2d 349, 355 (Iowa 2005). There was no consideration that perhaps they should consider the negotiating committee to fall under the purview of the statute due to being a “formal secondary body”. IPIB has also provided guidance:

To meet this definition, the secondary body must be formally and directly created. Formally and directly created means the primary board, council, commission or other governing body has taken some official action to create the governing body, which would be reflected on agendas and/or the minutes of the governing body when created.

Advisory Opinion 25AO:0005 – Clarifying a meeting of a majority pursuant to Iowa Code Chapter

21. It is not in dispute that there are no minutes or official record showing the Finance Committee being created by the Board. The Investigative Report’s recommendation that the Board adopt a practice that committees should be treated as formally and directly created absent any minutes creating the committee creates new precedent not supported by Iowa law. Such would also run

directly contrary to the statutory language, as it would treat committees that are “informally” and “indirectly” created now as potentially subject to Chapter 21. Such would also create significant questions about when other committees, groups, or gathering of individuals may be considered to now fall within in the purview of Chapter 21.

B. Advisory or Policy-Making.

The Investigative Report also recommends that the Finance Committee be deemed a policy-making body to fall within the purview of Chapter 21. A significant difficulty with the recommendation of the Investigative report is that it does not provide clear guidance, rather a type of sliding scale that would leave boards and committees to try and determine whether they qualify. Such sliding scale approach is also not supported under the statute nor under Iowa case law. To the contrary, our case precedent has identified a very clear and limited definition, that “policy-making” is more than recommending or advising what should be done. “Policy-making” is deciding with authority a course of action.

The Investigative Report considers factors in determining whether a committee has policy-making ability. However, the investigative report acknowledges that the finance committee does not actually make any policy. As noted, they make “recommendations on larger financial expenditures” and would review options and “provide a non-binding recommendation to the Board”. Despite acknowledging that the Finance Committee does not have any policy making authority, the Investigative Report makes the recommendation that a combination of factors should bring the finance committee (and all boards) within the purview of open meetings law. The first factor considered by the Investigative Report is that the finance committee sets its own “priorities

and agenda”.¹ It is unclear what sets its own priorities means, but the Finance Committee does create its own agenda for items to be discussed at their meetings. However, that a group of individuals determine what they will discuss at a specific meeting does not bring the group, board, or committee within the purview of Chapter 21. Second, the investigative report indicates that since the Finance Committee is a permanent body with extensive purview, it therefore should fall under Chapter 21. However, no Iowa case law provides that just because you have a permanent committee it falls under Chapter 21. Nor is there any case law that stands for the proposition that if an group, committee or board has a broad scope it is subject to Chapter 21. Lastly, the investigative report suggests that the “basis and rationale of governmental decisions” could be made in the committee’s deliberations, and the “nature and composition” of the committee creates implicit authority since board leadership (President and VP) are members. However, Iowa law is clear that committees that are only making recommendations are not considered “policy making”, and the Investigative Report at page 3-4 notes the long history of Iowa cases holding to that effect. Clearly, all of those committees discussed in those Iowa cases would deliberate and consider what to recommend to their Boards. No “policy making” authority has ever been found in those cases. Additionally, there is no Iowa case law that provides if the Board President is a member of a

¹ The Investigative Report argues that since the Finance Committee makes recommendations, they influence the School Board. The school board sets its own agenda. By policy, this is the determination of the Board President in consultation with the Superintendent and Board Secretary. (Policy 206.1). To that end, the President can place any item on the agenda. This includes placing on the agenda items that the Finance Committee never considered, or that the finance committee ultimately determined not to recommend, as that is the Board President’s right. Similarly, the Board President may also refuse to place on the agenda a recommendation of the Finance Committee. The Investigative Report also states a third board member is invited by the President. Serving on the Finance Committee is voluntary, but the Board President may ask additional board members if they would like to be a part of the committee.

committee, they fall under Chapter 21. Nor is there any authority if less than a quorum of the Board meets, the meeting should be subject to Chapter 21.²

Adopting such sliding scale or factor approach will leave boards and committees wondering whether the fact that a committee has existed for a number of years, whether having a Board President part of a committee, whether having multiple Board members (but less than quorum) be part of a committee, whether the committee setting its own agenda, whether a committee having a broad scope, or numerous other factors or combination of factors, potentially brings various groups within the purview of Chapter 21. The case law is clear that a Board needs to have decision making authority to fall within the definition of a government body. The Investigative Report seeks to create a new avenue that committees potentially fall under “policy-making” based on various factors, despite the fact that the Finance Committee does not have policy making authority.

Clarity in IPIB’s decision will be of vital significance, as boards and committees obviously want to be in compliance. There is without question the need of public entities, such as large school districts, to hold meetings. Staff hold meetings daily. There are also citizens that believe they should be entitled to attend every gathering. Accordingly, without clear parameters, public entities will encounter endless arguments of whether the public should be permitted to attend even

² As an example, the school district may have a meeting for their central administrators to discuss broad topics regarding the district in general. They would set their own agenda about what they need to discuss. The topics could be extensive. Some districts have a central administration team that could be deemed “permanent” and could meet routinely. Perhaps they even want to make sure they have the School Board President present for the meetings. Significant questions would arise whether these meetings, or any number of factors along this sliding scale, suddenly tips the balance of the factors in favor that now meetings such as this are subject to open meetings laws, but it is unclear where that line is drawn because no Iowa case law provides for these factors.

the most routine meetings. While we understand this matter before the Board pertains to the District's Finance Committee, the guidance moving forward will affect all public bodies.

We understand and appreciate the Investigative Report leans heavy on the concept to resolve Chapter 21 issues in favor of openness, and we are not critical of that thought. However, we must disagree that the recommendations are supported by Iowa law, and have concerns of the significant difficulty in its application.

Respectfully submitted,

SWISHER & COHRT, P.L.C.

By: 

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Attorneys for Waterloo Community School District

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0040
Stephanie Erickson, Complainant	Informal Resolution Report
And Concerning:	
City of Indianola, Respondent	

On April 10, 2025, Stephanie Erickson filed formal complaint 25FC:0040, alleging that the City of Indianola (City) violated Iowa Code Chapter 21.

The IPIB accepted this complaint at its meeting on May 15, 2025, finding the following potential violations:

Secret Ballot Conducted During Meeting

On April 7, 2025, while considering candidates to fill a vacant at-large council member position, the City used an anonymous ballot process to select two finalists, in which each of the five council members wrote the names of their preferred candidates, with only the aggregate results announced to the public. An anonymous ballot process was also used for four subsequent votes between the finalists before the matter was tabled. The votes of individual council members were not made available to the public during this meeting, presenting a facial violation of Iowa Code § 21.3, which generally requires actions and discussion to be conducted and executed in open session

Private Meetings During Recess

During the same meeting, in the second phase of the selection process, two ten-minute recesses were called, with the stated purpose of allowing members to break into “small groups” for discussions intended to reach the requisite four-vote majority needed to make an appointment. While these discussions took place within the Council Chambers or just outside those chambers in the open, this presented a facial violation of Iowa Code § 21.3(1), as deliberation conducted outside of open session.

Informal Resolution

Following notice of the complaint, the City took immediate steps to remedy the issue by publicly announcing how individual members had voted at their next meeting on April 14, 2025, for both the initial selection from the pool of four applicants and the final 3-2 ballot. These disclosures were reflected in the meeting minutes for April 14.

As part of the informal resolution agreement reached in this case, the City formally re-announced the results of each of the five ballots, including the votes of individual council members. The City has also adopted an official policy for the conduct of future appointments, including requirements for public votes and discussion, except where closed session is authorized under Iowa Code § 21.5. On September 10, 2025, the City completed a full training with IPIB staff on open meetings and public records.

Procedure

IPIB accepted this Complaint on May 15, 2025. Upon acceptance, the parties worked toward an informal resolution agreement.

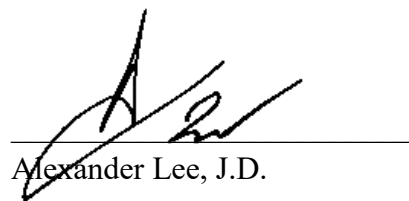
Stephanie Erickson approved the Informal Resolution on July 2, 2025.

The City of Indianola approved the Informal Resolution on July 22, 2025.

IPIB approved the Informal Resolution Report on August 21, 2025.

All terms of the Informal Resolution have been met. IPIB staff recommends this Final Report be adopted and the complaint be dismissed as resolved.

By the IPIB Agency Counsel,



Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 12, 2025, to:

Stephanie Erickson, Complainant
City of Indianola, Respondent

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0077
Terra Helmers, Complainant	Dismissal Order
And Concerning:	
City of Tripoli, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On June 18, 2025, Terra Helmers filed formal complaint 25FC:0077, alleging that the City of Tripoli (City) violated Iowa Code Chapter 21.

Facts

Tripoli is a small city in Northeast Iowa. According to the information alleged in the complaint, the City's common practice is to hold its meetings in two separate sessions. First, the City holds a work session, in which matters are deliberated and drafted without any final action or opportunity for public comment. Then, following the work session, the City holds a regular session, which involves public participation and voting on resolutions, if any. Both components of these meetings are held in open session, with proper notice and public access.

According to Terra Helmers, the complainant, the City held one such dual session on June 17, 2025, with a work session scheduled for 5:00 p.m. and the regular session scheduled for 6:00 p.m. At approximately 5:30 p.m., the City voted to adjourn the work session, meaning there was effectively a thirty-minute recess before the regular session began. During this recess, the mayor, four council members, and two city employees remained in chambers and continued to hold a conversation amongst themselves.

Helmers provided an audio recording of this period, which she alleges contains deliberation between council members on matters within the scope of the governmental body's policy-making duties. Unfortunately, most of the alleged discussion is functionally inaudible due to conversations between members of the public, and only around four minutes at the end were clear enough to easily review. During this period, there is a brief portion of conversation involving a male voice talking about the rules for in-ground pools, followed by a female voice interjecting to warn the

council that there are members of the public here to argue about a “pool issue” during the upcoming main session. The same voice mentions something about a letter received by the City, which is included in the meeting packet, and this voice advises the council not to “bring it up.” Another female voice reminds them that “this isn’t a meeting.” At the very end of the clip, the City officials notice Helmers’ phone has been left in the public seating area, one voice objects to being recorded, and there is tapping at the phone screen while one of the officials ends the recording.

On June 18, 2025, Helmers filed formal complaint 25FC:0077, alleging that the City violated Chapter 21 by having a meeting outside of open session, as they had formally adjourned their work session and had not yet begun the second session, and there was evidence to suggest they hadn’t intended their between-sessions discussion to be audible, even though it was picked up by Helmers’ phone.

On June 27, after reviewing the audio recording, IPIB staff contacted Helmers, asking her to provide additional information for the purposes of facial review. Helmers was specifically asked to identify any portions of the clip outside of the final, audible portion which contained possible unlawful deliberations, and she was also asked to provide background on the voices heard in the clip and the issue under discussion, for the purposes of determining 1) whether members were simply receiving information from a non-member employee or deliberating amongst themselves and 2) whether the topic discussed was a matter within the scope of their policy-making duties.

On the same day, Helmers acknowledged the request and asked for a few days to provide additional information. However, Helmers has not been in contact with IPIB despite multiple follow-up emails, aside from a two-sentence reply on July 24 stating she needed more time to review.

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 this chapter.” Iowa Code § 21.2(2).

Analysis

Iowa Code § 21.2(2) defines a meeting as having four key attributes. For a “meeting” to occur, 1) there must be a governmental body subject to Chapter 21, 2) there must be a gathering of a majority of the members of that body, 3) the members must engage in action or deliberation, and 4) the topic must be a matter within the scope of the governmental body’s policy-making duties, as opposed to a purely ministerial or social purpose. Unless all four requirements are met, there is no meeting, and Chapter 21 does not apply.

In this case, a city council is clearly a governmental body, and the complaint properly alleges that a majority (four of five) members were present for the period between meetings which was not held in open session. However, it is unclear whether the members actually engaged in deliberation amongst themselves or simply received information from non-member employees, and it is similarly unclear whether the topic was actually a matter within their policy-making duties. Both the circumstances described in the complaint and the contents of the audio recording raise red flags, but additional information was needed from the complainant for facial review. Unfortunately, the complainant has constructively abandoned the complaint by failing to respond to multiple follow-up emails in a period of over two months following the initial submission, and IPIB does not have the information to properly review the allegations.

Conclusion

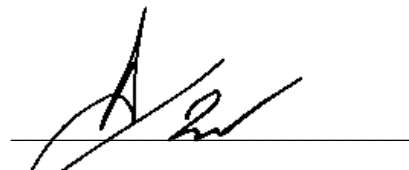
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

Because the complainant has constructively abandoned her complaint by failing to respond to IPIB's emails, there is not enough information to complete facial review, and the complaint should be dismissed.

IT IS SO ORDERED: Formal complaint 25FC:0077 is dismissed as abandoned 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 September 18, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Agency Counsel,


Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 10, 2025, to:

Terra Helmers, Complainant

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0108
Mandi Hutchins, Complainant	Dismissal Order
And Concerning:	
City of Linden, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On August 14, 2025, Mandi Hutchins filed formal complaint 25FC:0108, alleging that the City of Linden (City) violated Iowa Code Chapter 21.

Facts

Linden is a small city in Dallas County, Iowa, with a population of around 200 residents. The City is represented by a five-person city council, which meets on a monthly basis.

According to the facts presented in the complaint, the Linden Code of Ordinances includes a provision, Section 18.05(2), which directs the city clerk to post meeting notice and other required publications at three locations: 1) the city hall, 2) the city post office, and 3) a particular local hair salon. The complainant, Mandi Hutchins, alleges the current city clerk has not posted notice at the designated hair salon for over two years, and notices have instead been posted at the city hall, the post office, and the public library, which notably shares a location with the city hall. The complaint also describes a conversation with the clerk, in which the clerk claimed that the City had amended the list of locations in the ordinance, but Hutchins (accurately) states that the version on the City's website still includes the hair salon as a required location.

On August 14, 2025, Hutchins filed formal complaint 25FC:0108, alleging that the City was in violation of Chapter 21 for its failure to post notice of its meetings according to the standard set by the cited city ordinance.

Applicable Law

“Except as provided in subsection 3, 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.” Iowa Code § 21.4(1)(a).

Analysis

IPIB’s jurisdiction to receive and investigate formal complaints is limited to alleged violations of Chapter 21 or Chapter 22, concerning open meetings law and public records, respectively. Other meeting requirements, including publication requirements imposed by other sections of the Code, are outside of IPIB’s enforcement authority. In this case, the City’s Section 18.05(2) is stated to be responsive to Iowa Code § 362.3(1)(b), which allows that, “[i]f [a] city has a population of two hundred or less, or in the case of ordinances and amendments to be published in a city in which no newspaper is published, a publication may be made by posting in three public places in the city which have been permanently designated by ordinance.”

Chapter 21 itself requires only “reasonable notice,” defined to 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.” Iowa Code § 21.4(1)(a). Assuming any required notice to news media is also made, the City would fully satisfy this requirement by posting sufficient notice to the city hall alone, which the complainant agrees they do.

It is unclear from the complaint whether the City’s current ordinance calls for notices to be posted at the hair salon or the library, as the clerk’s position (according to the complaint) appears to be that the ordinance has been amended and the record on the City’s website is merely outdated. However, even assuming for the purposes of facial review that the City’s ordinance still requires notice to be posted at the hair salon, any violation would be based on other chapters or the failure to adhere to the ordinance itself, as the standard set by Iowa Code § 21.4(1)(a) is met here. The complaint is therefore outside of IPIB’s jurisdiction, and dismissal is required.

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.

Assuming the City also provides proper notice to news media which have filed a request for notice, the City satisfies its obligations under Iowa Code § 21.4(1)(a) by posting notice at the city hall, as the city council's principal office and meeting location. If the City's failure to post additional notice at the designated hair salon constitutes a violation of publication requirements found elsewhere in the Code or the City's own ordinance, it is beyond IPIB's jurisdiction to enforce.

IT IS SO ORDERED: Formal complaint 25FC:0108 is dismissed as it is legally insufficient or outside IPIB's jurisdiction 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 September 18, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Agency Counsel,


Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on September 5, 2025, to:

Mandi Hutchins, Complainant

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0110
Tim Lane, Complainant	Dismissal Order
And Concerning:	
Office of the Governor, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On August 18, 2025, Tim Lane filed formal complaint 25FC:0110, alleging that the Office of the Governor violated Iowa Code Chapters 21 and 22.

Facts

On August 18, 2025, Tim Lane filed formal complaint 25FC:0110, alleging the unauthorized or unlawful disclosure of certain personnel information related to a state employee by the Iowa Lieutenant Governor during a Scott County Republican Party event held in July 2025. According to Lane, the Lieutenant Governor made the alleged disclosure to at least one other official present at the event, though the information may have been shared further.

Lane alleges that this disclosure may have violated the employee's due process rights, and that the information was "not subject to prior disclosure . . . under the Iowa open records law or open meetings law." Lane has confirmed that the sole respondent for his complaint is the Iowa Governor's Office, and other officials named in his complaint were included as potential witnesses.

Applicable Law

"The [Iowa Public Information Board] shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or, employee of those branches, or over the governor or the office of the governor." Iowa Code § 23.12.

Analysis

Pursuant to Iowa Code § 23.12, the Iowa Public Information Board lacks jurisdiction to review complaints against to “the governor or the office of the governor.” Because the case is facially outside IPIB’s jurisdiction, Iowa Code § 23.8(2) requires dismissal without further review.

Conclusion

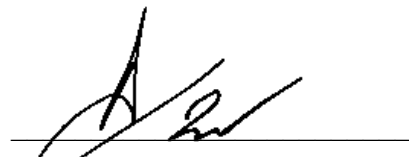
Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

IPIB lacks jurisdiction to review complaints against the Iowa Governor’s Office.

IT IS SO ORDERED: Formal complaint 25FC:0110 is dismissed as it is outside IPIB’s jurisdiction 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 September 18, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Agency Counsel,


Alexander Lee, J.D.

CERTIFICATE OF MAILING

This document was sent on August 21, 2025, to:

Tim Lane, Complainant

The Iowa Public Information Board

In re the Matter of:	Case Number: 25FC:0088
Jaicy Skaggs, Complainant	Partial Dismissal Order
And Concerning:	
City of Kellogg, Respondent	

COMES NOW, Alexander Lee, Agency Counsel for the Iowa Public Information Board (IPIB), and enters this Partial Dismissal Order:

On July 7, 2025, Jaicy Skaggs filed formal complaint 25FC:0088, alleging that the City of Kellogg (City) violated Iowa Code Chapter 22.

Facts

Kellogg is a small city in Jasper County, Iowa. The complainant, Jaicy Skaggs, was formerly employed by the City as an assistant city clerk, though she was terminated from this position.

On June 11, 2025, following her termination, Skaggs submitted a Chapter 22 request seeking “City Council meeting minutes, personnel decisions, and communications concerning [her] employment as the Assistant City Clerk.” A reminder of this request was sent on June 26.

On July 7, 2025, Skaggs filed formal complaint 25FC:0088, alleging that the City had violated Chapter 22, as the delay had exceeded ten business days and she had not received any justification or timeline for production.

On July 3, prior to the filing of this complaint, the City’s mayor emailed Skaggs to inform her that the City had received her requests and was working on them, with an estimated release date shortly after the Fourth of July weekend. Based on this, Skaggs was informed that the criteria for “unreasonable delay” likely had not been met, and that the complaint was premature given the nature of the request and the City’s responsive updates. IPIB staff offered to reach out informally to check on the status of the documents.

On August 1, 2025, the City’s mayor responded to IPIB to inform them that the records had been released in early to mid-July, shortly after the update was given. Not all documents were released,

as the City determined that multiple portions of the personnel record were confidential. On August 11, Skaggs confirmed that she “did receive part of [her] request,” though she did not offer any additional information at that time.

On August 13, after being asked whether the matter was resolved, Skaggs provided a copy of a demand letter addressed to the City, which reiterated her assertion that the City had violated Chapter 22 by responding more than ten to twenty days after the request was made. The letter also contained several additional allegations, most of which were outside the scope of the original complaint, meaning they would be more appropriately reviewed in a separate case.

However, Skaggs also alleged that she had been improperly denied copies of the City’s personnel policies, which are separate from her personnel file and not associated with any particular official, officer, or employee.

Applicable Law

“Good faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of this chapter if the purpose of the delay is any of the following:

- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.” Iowa Code § 22.8(4)(c), (d).

Analysis

Chapter 22 does not contain firm time limits for public records requests, except for the limited provision of Iowa Code § 22.8(4)(d) for delays involved in determining “whether a confidential record should be available for inspection and copying to the person requesting the right to do so.” The general standard is otherwise that “[g]ood faith, reasonable delay” is not a violation if the delay is to determine whether a record qualifies as a public record or is protected by confidentiality, along with other less common purposes provided in Iowa Code § 22.8. In *Belin v. Reynolds*, the Iowa Supreme Court interpreted the language of Iowa Code § 22.10(2), which considers amongst other things whether a respondent has “refused to make [requested] government records available for examination and copying,” to imply six additional factors which could establish constructive denial due to an unreasonable delay. 989 N.W.2d 166, 174 (Iowa 2023). These factors include prompt acknowledgement and assurances related to a request, explanation of delays, whether the requester received rolling production upon availability, and similar communication. *Id.* at 175; *see also* 24AO:0010, *Clarification on the Definition of “Reasonable Delay.”*

Implicit in both Iowa Code § 22.8 and the *Belin* test is the expectation that response times are affected by the nature and scope of a Chapter 22 request. In this case, the complainant sought personnel records and communications about her employment, alongside a routine records request for meeting minutes. Neither party has provided an exact date for when the records were released, but it is apparent from IPIB's brief, informal inquiry into the matter that the City used its time to consult legal counsel about confidentiality concerns and the effects of anticipated litigation brought by the complainant. Multiple potential sources of responsive records had to be checked, and meaningful review would presumably have been necessary to properly apply the personnel records confidentiality exception of Iowa Code § 22.7(11). Although communication likely could have been better, forwarded emails from the complainant also show that the request was acknowledged by the City, with updates from the mayor on delays and an estimated release date, which is relevant to *Belin* analysis.

The total time for responding to the complaint was approximately a month. For the purposes of facial review, the facts presented do not provide a potential basis to find the City's delay was unreasonable or made in bad faith. The original complaint cited Iowa Code § 22.8(4)(d) to support the argument that the City had exceeded its allotted time to respond. However, as discussed above, Iowa Code § 22.8(4)(d) does not impose a general time limit.

IPIB accepts this case for further review on the limited issue of whether the complainant was improperly denied access to the City's personnel policies, which would not facially be covered by Iowa Code § 22.7(11)'s confidentiality exception for personal information in confidential personnel files.

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.

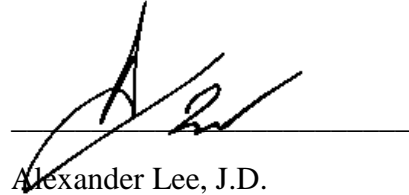
Because the facts presented suggest the City was required to seek records from multiple sources and consult with outside legal counsel to make confidentiality determinations for most of the records sought, and because the City provided sufficient updates and assurances to satisfy the *Belin* standard, the roughly one-month delay does not present a potential unreasonable delay on its face.

IPIB accepts the portion of this complaint alleging that the City improperly refused to provide copies of the City's personnel policies, which are not specific to any particular employee.

IT IS SO ORDERED: Formal complaint 25FC:0088 is partially 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 July 17, 2025. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Agency Counsel,

A handwritten signature in black ink, appearing to be 'A. Lee', is written over a horizontal line. Below the line, the name 'Alexander Lee, J.D.' is printed.

CERTIFICATE OF MAILING

This document was sent on August 15, 2025, to:

Jaicy Skaggs, Complainant



510 East 12th Street
Des Moines, Iowa 50319
www.ipib.iowa.gov

Charlotte Miller, JD
Executive Director
(515) 393-8339
charlotte.miller@iowa.gov

Advisory Opinion 25AO:0011

DATE: September 18, 2025

SUBJECT: Individuals Subject to Section 21.12 Training Requirements

This advisory opinion offers clarification on which individuals are subject to new training requirements described in Iowa Code § 21.12, as enacted by the 91st General Assembly as part of House File 706. According to Iowa Code § 21.12(1), the new mandatory training requirement is applicable to any “newly elected or appointed public official who is a member of a governmental body.” Since the law came into effect on July 1, 2025, IPIB has received numerous inquiries about who is subject to this requirement, which have been merged into this opinion.

“Any person may request a board advisory opinion construing or applying Iowa Code chapters 21, 22, and 23. An authorized agent may seek an opinion on behalf of any person. The board will not issue an opinion to an unauthorized third party. The board may on its own motion issue opinions without receiving a formal request.” We note at the outset that IPIB’s jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTS PRESENTED:

On June 6, 2025, Governor Reynolds signed House File 706 into law. By its own terms, HF 706 is “an Act relating to open meetings and open records, providing penalties, and making penalties applicable.” Amongst other things, the Act creates a new section, Iowa Code § 21.12, which imposes a “member education course” requirement. Iowa Code § 21.12(1) provides as follows:

A newly elected or appointed public official who is a member of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and the governmental body’s members under this chapter and chapter 22 not later than the ninetieth day after the date the member does one of the following, as applicable:

- a. Takes the initial oath of office.
- b. Assumes responsibilities, if the member is not required to take an oath of office.
- c. Is elected to the office.

Board Members

Joan Corbin • E. J. Giovannetti • Barry Lindahl • Catherine Lucas
Luke Martz • Joel McCrea • Monica McHugh • Jackie Schmillen

IPIB has received numerous questions from across the state. While some are easy to answer based on the plain text of the statute, others present ambiguities which require interpretation in an advisory opinion. Questions considered for this opinion include:

1. Whether Section 21.12 applies to trustees of a benefitted fire district appointed by a county board of supervisors, elected township clerks, or county medical examiners.
2. Whether Section 21.12 applies to the Sioux City Mayor's Youth Commission. The Youth Commission is a board with both policy-making and advisory duties, comprised of local ninth and tenth grade high school students appointed by resolution of the Sioux City Council. The Commission manages a small budget, currently set at \$6,000, which it uses to coordinate community service and host local events and fundraisers. Members also advocate on behalf of the interests of local youth with the help of adult advisors.
3. Whether Section 21.12 applies to the boards of nonprofit corporations licensed to conduct pari-mutuel wagering pursuant to Chapter 99D or gambling games pursuant to Chapter 99F, as these nonprofits are classified as "governmental bodies" subject to other open meetings requirements of Chapter 21.
4. Whether Section 21.12 applies to individuals who are not otherwise public officials or employees who serve as community representatives on 28E boards. For example, if a city council enters into a 28E agreement with a private high school to host community events at the school's events center, would a faculty member who represents the school on the resulting 28E board be subject to mandatory training?
5. Whether an individual who held a qualifying position as of July 1, 2025 and was thus not "newly elected or appointed" after that date would become subject to Section 21.12 after a gap in which they did not hold any qualifying position with any governmental body.

QUESTION POSED:

Who is required to complete mandatory training on Chapters 21 and 22 under Section 21.12?

OPINION:

Disclaimer: To the extent that advice in this advisory opinion conflicts with IPIB's opinion 25AO:0008, *Training Requirements for Newly Elected and Appointed Officials*, this opinion should be considered to take precedence.

Executive Summary

I. Who is subject to the mandatory training requirements of Section 21.12?

Any individual with membership in a governmental body, as defined by Iowa Code § 21.2(1), is potentially subject to Section 21.12. In reaching this interpretation, IPIB concludes that the term "public official" should not be read to impose any additional restrictions on the law, as the term is not defined or otherwise used anywhere else in the new section or in Chapter 21 as a whole. Only members of the boards, councils, commissions, or other governing bodies who are subject to Chapter 21 are required to complete training, including members of state agency boards or commissions, city council members, county supervisors, and school board members, as well as trustees of benefitted fire districts, members of 28E boards, and directors of 99D or 99F non-profits involved in pari-mutuel wagering or gambling games. Mandatory training does *not* apply to other officials and employees, such as clerks, city or county attorneys, school superintendents, and others, except where these individuals are also members of a governmental body in another capacity.

Section 21.12 does not apply to the state judicial or legislative branches or their employees, nor does it apply to the governor or the governor's office.

II. What does it mean to be “newly” elected or appointed?

Section 21.12 only applies to members of governmental bodies who are newly elected or appointed after the new law’s effective date of July 1, 2025. Individuals who held their positions on or before June 30, 2025 are exempted by virtue of their pre-existing roles, including if they are later reelected or reappointed to a new term in the same position. *However*, this exemption does not extend to individuals who were previously members of a governmental body but were not active in that position at the time the law came into effect, those who are initially exempt but who leave their position and later return after a period of inactivity, or those who were exempt based on a legacy position with one governmental body who are later elected or appointed to a new governmental body.

Once an individual has received a certified training, that training will continue to satisfy their obligations under Section 21.12 for any committees or subcommittees of their governmental body, as well as any future service as an elected or appointed member of any other governmental body.

III. How is the 90-day deadline measured for elected individuals?

The 90-day deadline is satisfied so long as a newly elected or appointed member of a governmental body completes an approved Section 21.12 training within ninety days of such time that the member a) takes their oath of office, b) assumes the responsibilities of their position, if they are not required to take an oath of office or c) is elected to the position. For elected individuals with two qualifying events, a training taken between the time of their election and the time they either take their oath of office or assume the responsibilities of their position will satisfy the requirement. However, such an individual would not be found in violation of Section 21.12 until ninety days after the later of the two events.

If one person is elected or appointed to two or more positions covered by Section 21.12, they should use the earliest deadline between those positions to determine their due date for training.

I. Public Official Who Is a Member of a Governmental Body

IPIB interprets the phrase “public official who is a member of a governmental body” to describe *any* individual with membership in any governmental body, as the term is defined in Iowa Code § 21.2(1).

Of the two substantive terms used in this description, only “member of a governmental body” is clearly defined by Chapter 21. At the time this opinion is issued, the legislature has identified ten specific types of bodies which are governmental bodies subject to the requirements of Chapter 21, including any “board, council, commission, or other governing body expressly created by the statutes of this state or by executive order,” including executive boards of state agencies like IPIB (subsection *a*), and equivalent governing bodies for any “political subdivision or tax-supported district in this state,” including entities such as county boards of supervisors, city councils, school boards, and township trustees (subsection *b*).

The remaining eight categories include multimembered bodies “formally and directly created” by either of the previous two types of governmental bodies (subsection *c*), governing bodies responsible for overseeing intercollegiate athletic programs of state universities (subsection *d*), certain types of advisory boards and task forces created to make recommendations on public policy issues (subsections *e* and *h*), certain nonprofit corporations licensed to conduct pari-mutuel wagering under Chapter 99D or gambling games pursuant to Chapter 99F (subsections *f* and *g*), the governing bodies of drainage or levee districts organized pursuant to Chapter 468 (subsection *i*), and the boards or commissions of entities organized under Chapter 28E for the joint or cooperative exercise of government powers (subsection *j*). If additional categories are added to the statute in the future, members of newly included types of governmental bodies would also be subject to Section 21.12.

A governmental body, as the term is used in Chapter 21, is legally distinct from the broader “government body,” which describes entities subject to Chapter 22 public records laws. *Compare, e.g.,* Iowa Code § 21.2(1)(b) (“[a] board, council, commission, or other governing body of a political subdivision or tax-supported district in this state”), *with* Iowa Code § 22.1(1) (“any county, city, township, school corporation, political subdivision, tax-supported district”). While other individuals may be closely associated with governmental bodies, only those who have the ability to create a Chapter 21 “meeting” of a governmental body under Iowa Code § 21.2(2) are considered members. For this reason, a school board member may be subject to the Section 21.12 training requirement, but superintendents, board secretaries, and school/district faculty generally would not be, unless they were also a member of another governmental body (including certain policy-making subcommittees and task forces created by the school board).

Whether a newly elected city mayor is covered by Section 21.12 depends on the structure of the city government. In a common mayor-council government, where the mayor generally does not have the ability to vote as a member of the council, the mayor would *not* be subject to training unless they qualified through membership with another body. *See* Iowa Code § 372.4(2) (“[t]he mayor is not a member of the [city] council and shall not vote as a member of the council”). However, in other forms of city government, such as the council-manager-at-large form (in which the city council chooses one of their members to serve as mayor), the mayor *would* be subject to Section 21.12 as a member of the city council. *See* Iowa Code § 372.6(1) (“[t]he mayor is a member of the [city] council and may vote on all matters before the council”).

In reaching this conclusion, IPIB finds that the term “public official” was not intended to add any additional restrictions to the scope of the training requirement, as the term is not defined anywhere in Chapter 21, and it does not appear in any other location in the chapter, including in any of the new language added by HF 706. In every other reference to persons covered by the rule, Section 21.12 speaks only of a “member” or “members” of a governmental body, without any mention of “public official” as an additional qualifier. *See* Iowa Code § 21.12(3), (3)(a), (3)(b), (4), (5). Nothing in the legislative discussion in either chamber of the General Assembly indicates “public official” was intended as a key term. Rather, Representative Jennifer J. Smith (HF 706’s floor manager in the House) used the phrase “elected and appointed members of government bodies,” with no mention of “public officials” to describe the individuals she expected to be subject to mandatory training in her closing remarks,¹ while Senator Scott Webster (the floor manager in the Senate) stated that the bill created mandatory training for “those that are following under the Public Information Act” in his opening comments.²

While certain individuals, like the directors of a Chapter 99D nonprofit licensed to conduct pari-mutuel wagering, do not hold any public office, they are nevertheless subject to all the requirements of Chapter 21’s open meetings laws *and* the statutory penalties increased by HF 706. It follows that the legislature intended the new training to apply to all members of governmental bodies, as restriction based on the use of the term “public official” would create a counterproductive outcome in which at least some governmental bodies would have no members required to attend a training, despite their responsibilities for following open meetings law in every other context.

Practically speaking, this interpretation also limits ambiguity in applying the law, as “governmental body” is a well-defined term with considerable case law and minimal gray area. To answer the first four questions laid out at the top of this opinion, IPIB advises that Section 21.12 mandatory training applies to fire district trustees, appointees to the Sioux City Mayor’s Youth Commission, the directors of Chapter 99D and 99F nonprofit corporations which qualify as governmental bodies, otherwise private citizens elected or appointed to represent

¹ H.R., *Closing Comments on HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Apr. 23, 2025), <https://www.legis.iowa.gov/perma/0801202515215>.

² S., *Opening Remarks on HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Apr. 17, 2025), <https://www.legis.iowa.gov/perma/0801202515216>.

private agencies on 28E boards. Section 21.12 would *not* apply to non-members, such as clerks, county medical examiners, or other prominent officials such as the executive directors of state agencies, county attorneys, or school superintendents – unless these individuals qualified through another role.

Lastly, per Iowa Code § 21.12(5), Section 21.12 also does not apply to any member or governmental body who is excluded from IPIB’s jurisdiction under Iowa Code § 23.12. This includes “the judicial [and] legislative branches of state government [and] any entity, officer, or employee of those branches, [and] the governor [and] the office of the governor.”

II. Newly Elected or Appointed

Iowa Code § 21.12(1)’s “newly elected or appointed” clause indicates that only members of governmental bodies who are elected or appointed after the bill’s effective date (July 1, 2025) are subject to mandatory training. Any member who held a qualifying position on or before June 30, 2025 is therefore exempted by virtue of their pre-existing role, meaning they do not have to take a training, including if they are reelected or reappointed to a new term in the same position.

According to Iowa Code § 21.12(3)(a), “[c]ompleting the required training as a member of [a] governmental body satisfies the requirements of [Section 21.12] with regard to the member’s service on a committee or subcommittee of the governmental body and the member’s service on any other governmental body.” In other words, if a city council member takes the required training after being elected to the council, they would not need to attend a new training if they were also appointed to the city’s public works committee or if they are later elected to serve as a county supervisor.

However, because the plain language of Iowa Code § 21.12(3)(a) refers only to completing a “required training,” IPIB does *not* interpret this section to waive the training requirement for those who are “newly elected or appointed” after initially being exempted but who are later elected or appointed to a new position. This includes anyone who was previously a member of a governmental body before July 1, 2025 but who was not actively serving in that role when the law came into effect, anyone who was a member of a governmental body at the time the law came into effect who leaves that position and later returns after a period of inactivity, and anyone who was exempt from training based on a legacy position with one governmental body who later becomes a member of another governmental body.

This interpretation aligns with the legislative intent in enacting Section 21.12 by requiring training for all those who are elected or appointed to a new office, including those who were previously exempted due to their legacy status. It also avoids the potential burden of administering a permanent exemption as an individual moves between governmental bodies, which would otherwise conflict with a government body’s duty to “maintain and make available for public inspection the record of the governmental body’s members’ completion of the training.” Iowa Code § 21.12(3).

III. The Ninety-Day Window

The final component of Iowa Code § 21.12 which needs to be addressed in this advisory opinion is the ninety-day window, based on the requirement that a qualifying individual must complete mandatory training “not later than the ninetieth day after the date the member does one of the following, as applicable: a) [t]akes the initial oath of office; b) [a]ssumes responsibilities, if the member is not required to take an oath of office, or c) [i]s elected to the office.”

In the original draft of HF 706 presented in the Iowa House, only subsections *a* and *b* were present, offering two mutually exclusive dates for when the ninety-day timer could begin. Subsection *c*, which adds the time of election

as a third possible starting point, was the result of amendment H-1088. According to Representative Jennifer J. Smith, who introduced both the bill and this amendment:

This amendment allows for individuals who have been elected to office to take the approved training. New elected school board members typically attend a conference the week following their election, where an IPIB-approved training occurs. This amendment would allow the training received at this conference to count as the required training.³

In other words, the election alternative was included specifically to ensure that individuals were able to take advantage of training opportunities offered between the time they were elected to a governmental body and the time they either took their oath of office or assumed the responsibilities of office. Consistent with this purpose, IPIB interprets the training requirement of Iowa Code § 21.12(1) to be satisfied so long as a newly elected or appointed member completes an approved training within ninety days of *any* of the listed events. Thus, a person elected to a position on July 1 who takes their oath of office on August 1 would have until August 30 to complete their Section 21.12 training.

Notwithstanding the above, a person who is elected or appointed to membership in multiple different governmental bodies should use the earlier applicable deadline to determine when training must be completed.

BY DIRECTION AND VOTE OF THE BOARD:

Joan Corbin
E.J. Giovannetti
Barry Lindahl
Catherine Lucas
Luke Martz
Joel McCrea
Monica McHugh
Jackie Schmillen

SUBMITTED BY:

Alexander Lee
Agency Counsel
Iowa Public Information Board

ISSUED ON:

September 18, 2025

Pursuant to Iowa Administrative Rule 497-1.3(3), a person who has received a board opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request. The IPIB may take up modification or reconsideration of an advisory opinion on its own motion within 30 days after the issuance of an opinion.

Pursuant to Iowa Administrative Rule 497-1.3(5), a person who has received a board opinion or advice may petition for a declaratory order pursuant to Iowa Code section 17A.9. The IPIB may refuse to issue a declaratory order to a person

³ H.R., *Debate on Amendment H-1088 to HF 706*, 91st Gen. Assemb., 2025 Leg. Sess. (Iowa Mar. 24, 2025), <https://www.legis.iowa.gov/perma/0801202515214>.

who has previously received a board opinion on the same question, unless the requestor demonstrates a significant change in circumstances from those in the board opinion.



Lee, Alexander <alexander.lee@iowa.gov>

Recommended Dismissal of IPIB Complaint (25FC:0108)

V Brenner <brennermv@gmail.com>

Mon, Sep 8, 2025 at 9:04 AM

To: "Lee, Alexander" <alexander.lee@iowa.gov>

Dear Mr. Alexander,

I think it would serve everyone's best interest, to simply withdraw the complaint, considering the circumstances. I truly appreciate all you and your team have done to look into the matter. I, along with a number of fellow citizens, are learning the process of good governance and oversight. Now more than ever, civic engagement requires all of us to be informed and involved.

Thank you for your patience and for your consideration in this matter.

Respectfully,

Vicky Brenner
1632 Mueller Court
Winterset, IA 50273
515.229.1529

[Quoted text hidden]



Lee, Alexander <alexander.lee@iowa.gov>

Receipt of New IPIB Complaint (25FC:0125)

Highland Photo Studio <studio@highlandphotostudio.com>

Thu, Sep 11, 2025 at 1:17 PM

To: "Lee, Alexander" <alexander.lee@iowa.gov>

Amazing after I told them that I filed my complaint with you.... I had the information the next day.... So you can cancel the complaint

Sent from my Verizon, Samsung Galaxy smartphone

[Quoted text hidden]

Active Cases Report

68

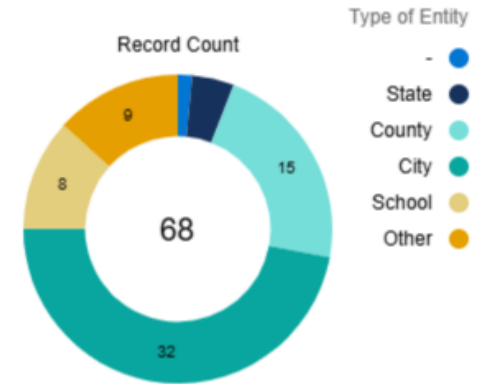
[View Report \(Active Cases\)](#) As of Sep 12, 2025, 11:06 AM

New complaints &/or question last 30 days



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Cases by Entity



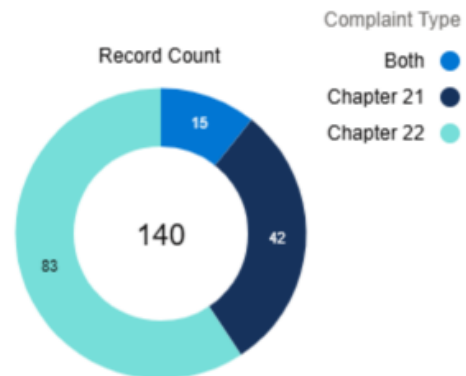
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Active AO Report

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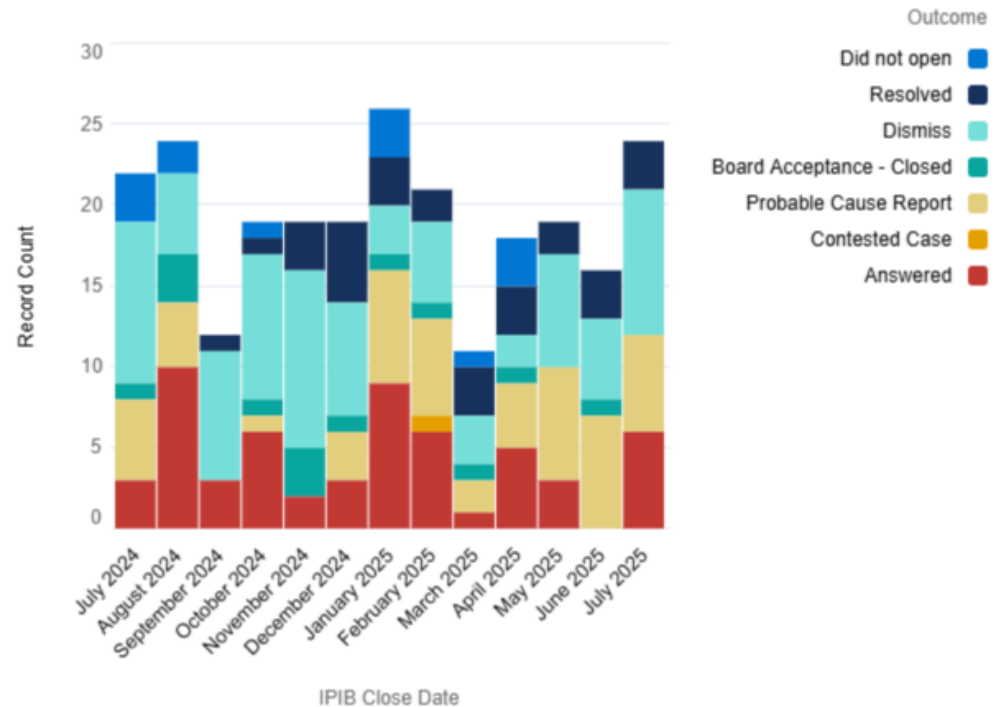
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Broad Type (Filed in Current)



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Closed cases (past 12 months)



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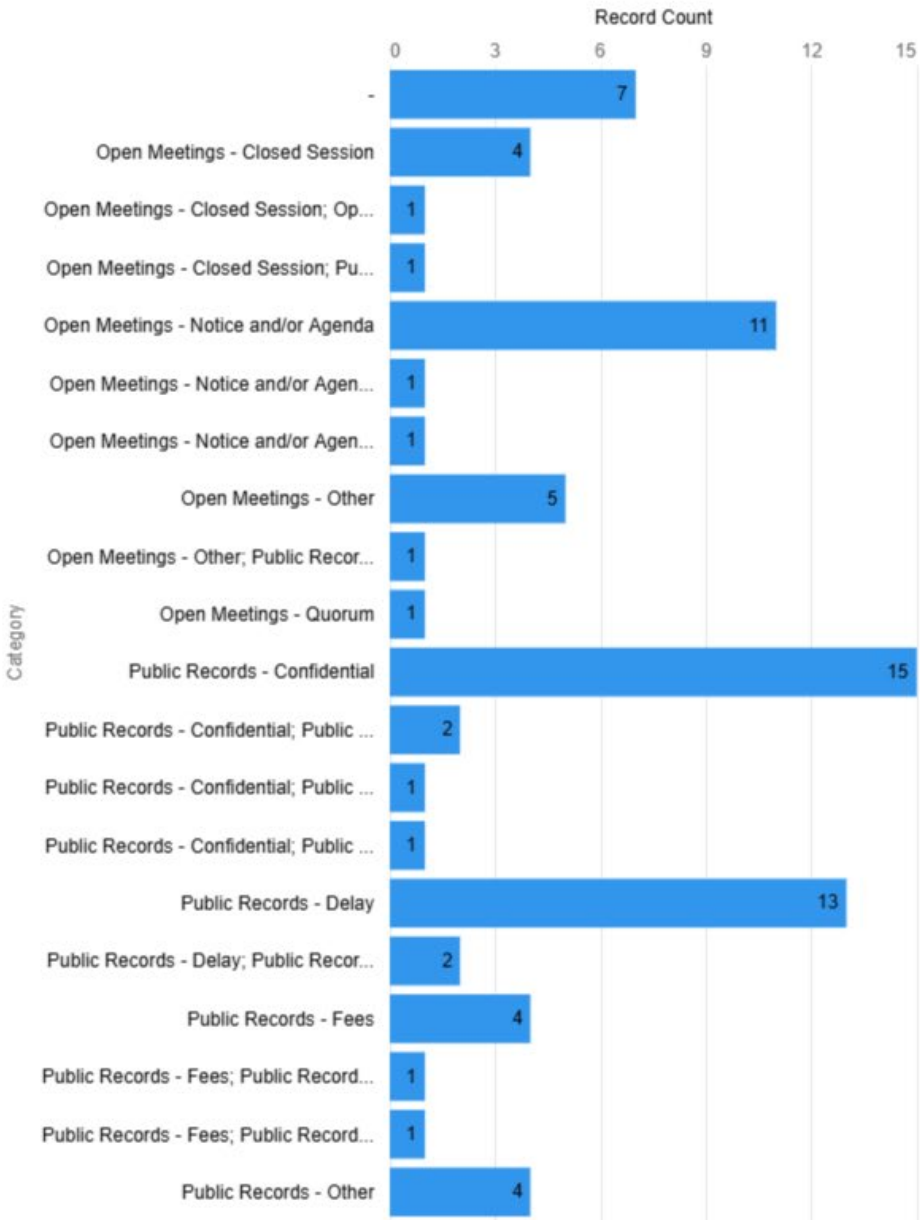
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Dashboard

Cases by Type

As of Sep 12, 2025, 11:05 AM ⓘ Viewing as Erika Eckley

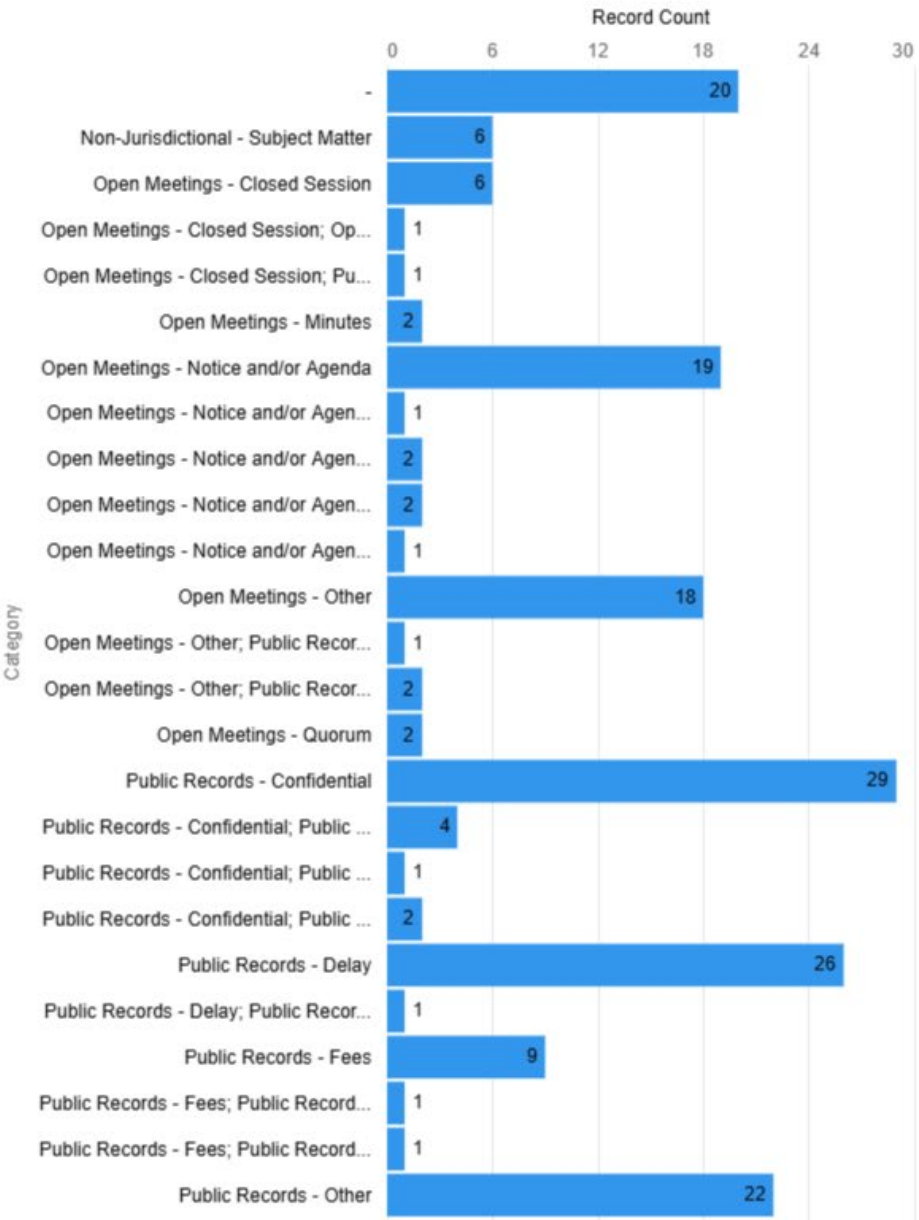
Cases by Type (Active)



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

As of Sep 12, 2025, 11:05 AM

Cases by Type (Filed in Current Year)



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

As of Sep 12, 2025, 11:05 AM