

IOWA PUBLIC INFORMATION BOARD

MEMBERS

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

Joan Corbin, Pella (Government Representative, 2020-2024)

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

Barry Lindahl, Dubuque (Government Representative, 2020-2024)

Joel McCrea (Media Representative, 2022-2026)

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

Julie Pottorff, Des Moines (Public Representative, 2020-2024)

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

vacant

STAFF

Margaret Johnson, Executive Director

Brett Toresdahl, Deputy Director

Meeting Access

Wallace Building has restricted access. Please use east entrance of building off E. 9th Street.

Once inside the atrium, proceed to the frosted glass sliding doors.

Use the lobby phone to dial the number provided on the door sign.

Proceed to the north set of elevators which is to your right down the hall.

A person will meet you at the elevator to escort you to the meeting on 3rd floor.

If You Can't Attend In Person, Please Connect To The Meeting With The Following:

Dial-in number: 877-304-9269 Conference Code: 664760#

Note: ALL phones MUST remain on mute unless you are addressing the Board

Agenda

October 20, 2022 1:00 p.m.

Wallace Building

502 East 9th Street, Des Moines

3rd Floor E/W Conference Room

1:00 PM – IPIB Meeting

- I. Approval of agenda*
- II. Approval of the September 15, 2022 minutes *
- III. Public Forum (5 minute limit per speaker)
- IV. Comments from the board chair. (Pottorff) * Attorney 2 position opening
- V. Advisory Opinion – Deliberation/Action.
 1. None

VI. Cases involving Board Deliberation/Action. (Johnson)

1. Bax, Kaye (22FC:0100 – Chapter 21 – City of Fontanelle & Council 9/14/22) * Accept
2. Henely, Eric (22FC:0088 – Chapter 22 – Gilbert Community School Board 9/2/22) * Dismiss
3. Kauffman, Clark (17FC:0029 – Chapter 22 – Polk County Assessor 4/6/17) * Consideration of Settlement
4. Loffer, Matt (22FC:0097 – Chapter 22 – City of Marengo 9/18/22) * Dismiss
5. Merritt, Michael (22FC:0071 – Chapter 22 – City of Newton 7/20/22) * Report
6. Merritt, Michael (22FC:0090 – Chapter 22 – City of Ames 9/6/22) * Dismiss
7. Merritt, Michael (22FC:0091 – Chapter 22 – Jasper County 9/7/22) * Dismiss
8. Peasley, Courtney (22FC:0033 – Both Chapters – City of Derby 4/25/22) * Report
9. Radtke, Mari (22FC:0050 – Chapter 22 – City of Paullina 5/26/22) * Report
10. Radtke, Mari (22FC:0087 – Chapter 22 – City of Paullina 8/30/22) * Dismiss
11. Zimmerman, Kate (22FC:0086 – Both Chapters – Ringgold County 8/23/22) * Dismiss

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

1. Merritt, Michael (22FC:0093 – Chapter 22 – City of Newton 9/15/22) * Withdrawn
2. Simmons, Melissa (22FC:0098 – Chapter 21- City of Swaledale 9/19/22) * Withdrawn

VIII. Pending Complaints. Informational Only (Johnson)

1. Anderson, Rodney (22FC:0079 – Both Chapters – Massena City Council 8/20/22) Intake
2. Andregg, Jennifer (22FC:0096 – Both Chapters – Logan Public Library 9/16/22) Intake
3. Billings, Karl (22FC:0109 – Chapter 21 – Newton City Council 10/7/22) Intake
4. Boardwatchericcsd (22FC:0105 – Chapter 21 – Iowa City Comm. School Dist. 9/27/22) Intake
5. Beck, Tim (22FC:0036 – Both Chapters – Pleasant Valley School District 5/5/22) Pending
6. Colwell, Robert (22FC:0095 – Chapter 22 – Iowa Dept. Health & Human Serv. 9/16/22) Intake
7. Drish, Tom (22FC:0049 – Chapter 21 – Jefferson County Supervisors 5/26/22) Pending
8. Ellis, Sam (22FC:0089 - Chapter 22 – Warren County 9/6/22) Intake
9. Gomes, Analicia (22FC:0058 – Chapter 21 – Bettendorf Comm. School Board 6/2/22). Pending
10. Hansen, Barbara (22FC:0111 – Chapter 21 – Woodbury Co. Extension Council 10/14/22) Intake
11. Hoffman, Eric (22FC:0102 – Chapter 22 – City of Iowa Falls 9/26/22) Intake
12. Hofmeyer, John (22FC:0099 – Chapter 22 – Iowa Dept of Public Safety 9/19/22) Intake
13. Huffman, David (22FC:0047 – Both Chapters – Batavia City Council 5/25/22) Pending
14. Johnson, Kevin (22FC:0060 – Chapter 22 – City of Hamburg 6/6/22) Pending
15. Klein, Adam (15FC:0034-Chapter 22 - DCI / Burlington Police Dept. 5/15/15) Pending
16. Nelson, Carol (22FC:0112 – Both Chapters – Woodbury Co. Extension Council 10/14/22) Intake
17. Ocker, Kyle (22FC:0113 – Chapter 22 – City of Centerville 10/18//22) Intake
18. Olson, Mandy (22FC:0104 – Both Chapters – City of Riceville 9/26/22) Intake
19. Radtke, Mari (22FC:0069 – Chapter 22 – City of Paullina 7/21/22) Intake
20. Richardson, Amber (22FC:0103 – Both Chapters – Riceville City Council 9/26/22) Intake
21. Sanders Raquel (22FC:0108 – Chapter 22 – Muscatine County Attorneys Office 10/6/22) Intake
22. Schoenbaum, Michael (22FC:0092 – Both Chapters – City of Bonaparte 9/13/22) Intake
23. Sly, Diana (22FC:0053 – Chapter 21 – Lorimor City Council 6/1/22) Pending
24. Smith, James (22FC:0101 – Chapter 22 – City of Ackworth 9/20/22) Intake
25. Wells, Sara (22FC:0094 – Chapter 22 – Bettendorf Comm. School District 9/16/22) Intake
26. Wilson, Sam (22FC:0107 – Chapter 21 – Louisa County Conservation Board 10/3/22) Intake
27. Winter, Travis (22FC:0110 – Chapter 21 – City of Clinton Housing Board 10/11/22) Intake
28. Winkelman, Luke (22FC:0106 – Both Chapters – Calhoun Co. Board of Supervisors 9/28/22) Intake

- IX. Board Member Training – Emily Willits
- X. Committee Reports
1. Communications – (Toresdahl)
 2. Legislative – (Johnson) - *
 - a. Consideration of proposed amendment to 22.4 (acknowledgement of record requests).
 - b. Consideration of proposed amendment to 22.7(5) (peace officers investigative reports).
 3. Rules – (Johnson) - * Review & Approve ARC 6540C rules change.
- XI. Office status report.
1. Contacts and activity * (Johnson)
 2. Financial/Budget Update (FY23) * (Toresdahl)
 3. Presentations/Trainings (Johnson) – November 9, 2022 Golden Circle Municipal Officers Association
- XII. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room
November 17, 2022 at 1:00 p.m.
- XIII. Adjourn *** Attachment**

IOWA PUBLIC INFORMATION BOARD

October 20, 2022

Unapproved Minutes

The Board met on October 20, 2022 for its monthly meeting at 1:01 p.m. in person and by conference call in the 3rd floor E/W Conference Room in the Wallace Building with the following members participating: Daniel Breitbarth, Des Moines; Joan Corbin, Pella (phone); E. J. Giovannetti, Urbandale; Barry Lindahl, Dubuque; Joel McCrea, Pleasant Hill; Monica McHugh, Zwingle (phone); Julie Pottorff, Des Moines; Jackie Schmillen, Urbandale (phone). Absent: none. Also present were IPIB Executive Director Margaret Johnson and Brett Toresdahl, Deputy Director. A quorum was declared present.

Others identified present or by phone: Matt Loffer, Mark Lambert, Meghan Gavin, Emily Willits, and Susan Patterson Plank.

On a **motion** by Giovannetti, **second** by Lindahl, the agenda was unanimously adopted 8-0.

On a **motion** by Breitbarth, **second** by Lindahl, to approve the September 15, 2022 minutes. Unanimously adopted 8-0.

Public Forum

none

Items Discussed

- 1) **Board Chair** – Pottorff discussed the open attorney 2 position.
Pottorff announced the formation of an executive search committee for the Executive Director position. Lindahl, Giovannetti, and Pottorff will serve. They will plan to meet prior to the November meeting.
- 2) **Advisory Opinions** –
 1. None
- 3) **The board was briefed on cases and took action as indicated:**
 1. Bax, Kaye (22FC:0100 – Chapter 21 – City of Fontanelle & Council 9/14/22). A motion by Breitbarth and second by Lindahl to approve the acceptance order. Unanimously approved 8-0.
 2. Henely, Eric (22FC:0088 – Chapter 22 – Gilbert Community School Board 9/2/22). A motion by Giovanetti and second by Breitbarth to approve the dismissal order. Unanimously approved, 8-0.
 3. Kauffman, Clark (17FC:0029 – Chapter 22 – Polk County Assessor 4/6/17). This matter was remanded back to the IPIB by the Supreme Court following a review by the Supreme Court. Meghan Gavin and Emily Willits, Attorneys representing both sides, appeared before the Board to share a proposal for settlement of this matter. The recommendation in the agreement is to dismiss the case. A motion by Breitbarth and second by Lindahl to approve the settlement agreement and dismiss the complaint. Approved 7-0-1 with Giovanetti abstaining.

4. Loffer, Matt (22FC:0097 – Chapter 22 – City of Marengo 9/18/22). Matt Loffer spoke on the matter. A motion by Breitbarth and second by Lindahl to approve the dismissal order. Unanimously approved, 8-0.
5. Merritt, Michael (22FC:0071 – Chapter 22 – City of Newton 7/20/22). A motion by Giovannettii and second by McCrea to approve the informal resolution and set the matter for review. Unanimously approved, 8-0.
6. Merritt, Michael (22FC:0090 – Chapter 22 – City of Ames 9/6/22). Mark Lambert spoke on the matter. A motion by Giovanetti and second by Breitbarth to approve the dismissal order. Unanimously approved, 8-0.
7. Merritt, Michael (22FC:0091 – Chapter 22 – Jasper County 9/7/22). A motion by Giovannettii and second by McCrea to table this matter while staff seeks additional information. Unanimously approved 8-0.
8. Peasley, Courtney (22FC:0033 – Both Chapters – City of Derby 4/25/22). A motion by McCrea and second by Breitbarth to approve the final report and dismiss as satisfactory resolved. Unanimously approved, 8-0.
9. Radtke, Mari (22FC:0050 – Chapter 22 – City of Paullina 5/26/22). A motion by Lindahl and second by Giovanetti to approve the informal resolution and set the matter for review. Unanimously approved, 8-0.
10. Radtke, Mari (22FC:0087 – Chapter 22 – City of Paullina 8/30/22). Ms. Radtke asked that her complaint be withdrawn. A motion by McCrea and second by Lindahl to accept the withdrawal. Unanimously 8-0.
11. Zimmerman, Kate (22FC:0086 – Both Chapters – Ringgold County 8/23/22). A motion by Giovannettii and second by Breitbarth to table this matter while staff prepares a new dismissal order. Unanimously approved 8-0.

4) Matters Withdrawn. No Action -

1. Merritt, Michael (22FC:0093 – Chapter 22 – City of Newton 9/15/22) Withdrawn
2. Simmons, Melissa (22FC:0098 – Chapter 21- City of Swaledale 9/19/22)
Withdrawn

5) Pending complaints that required no board action. Informational

1. Anderson, Rodney (22FC:0079 – Both Chapters – Massena City Council 8/20/22)
Intake
2. Andregg, Jennifer (22FC:0096 – Both Chapters – Logan Public Library 9/16/22)
Intake
3. Billings, Karl (22FC:0109 – Chapter 21 – Newton City Council 10/7/22) Intake
4. Boardwatchericcsd (22FC:0105 – Chapter 21 – Iowa City Comm. School Dist.
9/27/22) Intake
5. Beck, Tim (22FC:0036 – Both Chapters – Pleasant Valley School District 5/5/22)
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6. Colwell, Robert (22FC:0095 – Chapter 22 – Iowa Dept. Health & Human Serv.
9/16/22) Intake
7. Drish, Tom (22FC:0049 – Chapter 21 – Jefferson County Supervisors 5/26/22)
Pending

8. Ellis, Sam (22FC:0089 - Chapter 22 – Warren County 9/6/22) Intake
9. Gomes, Analicia (22FC:0058 – Chapter 21 – Bettendorf Comm. School Board 6/2/22). Pending
10. Hansen, Barbara (22FC:0111 – Chapter 21 – Woodbury Co. Extension Council 10/14/22) Intake
11. Hoffman, Eric (22FC:0102 – Chapter 22 – City of Iowa Falls 9/26/22) Intake
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28. Winkelman, Luke (22FC:0106 – Both Chapters – Calhoun Co. Board of Supervisors 9/28/22) Intake

6) Board Member Training – “Separation of Functions and Ex Parte Communications in Contested Cases” presented by Emily Willits

6) Committee Reports

1. Communications – No report
2. Rules – On a motion by Breitbarth and a second by Giovanetti to approve ARC 6540C. Unanimously approved 8-0.
3. Legislative –
Susan Nehring appeared before the Board to speak regarding the Boards Legislative proposals.

The Board considered the proposed legislative amendments to section 22.4 (acknowledgement of record requests) and section 22.7(5) (peace officers investigative reports) – Board referred both proposals to the Legislative Committee for additional review.

8) Updates for the board.

- a. Johnson provided an overview of the September website use and YTD case totals.
- b. Toresdahl shared the FY22 financials and FY23 appropriations update.
- c. Johnson shared past presentations – none

The next IPIB meeting will be in the Wallace Building, **3rd Floor, E/W Conference Room**, November 17, 2022, at 1:00 p.m.

At 4:06 p.m. the meeting adjourned on a motion by Breitbarth and a second by Lindahl. Unanimously approved.

Respectfully submitted
Brett Toresdahl, Deputy Director

IPIB, Chair
Approved