

IOWA PUBLIC INFORMATION BOARD

MEMBERS

Joan Corbin, Pella (Government Representative, 2020-2024)
E. J. Giovannetti, Urbandale (Government Representative, 2018-2022)
Barry Lindahl, Dubuque (Government Representative, 2020-2024)
Keith Luchtel, Clive (Media Representative, 2018-2022)
Monica McHugh, Zwingle (Public Representative, 2018-2022)
Frederick (Rick) Morain, Jefferson (Media Representative, 2018-2022)
Julie Pottorff, Des Moines (Public Representative, 2020-2024)
Suzan Stewart, Sioux City (Public Representative, 2018-2022)
Stan Thompson, Clive (Public Representative, 2020-2024)

STAFF

Margaret Johnson, Executive Director
Brett Toresdahl, Deputy Director
Zach Goodrich, Legal Counsel

Electronic Meeting

(Pursuant to Iowa Code section 21.8)

Dial-in number: 866-685-1580 Conference Code: 2841441953

Agenda

April 15, 2021 1:00 p.m.

Wallace Building

502 East 9th Street, Des Moines

3rd Floor IPIB Conference Room

1:00 PM – IPIB Meeting

Electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where an in-person meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of board members and the public.

- I. Approval of agenda*
- II. Approval of the March 18, 2021 minutes *
- III. Public Forum (5 minute limit per speaker)
- IV. Comments from the board chair. (Pottorff)
- V. Advisory Opinion
 1. Wolf, Mike (21AO:0001 – Chapter 22 – Defining “possession” in 22.1(2) definition of lawful custodian. 3/15/21) *
 2. Bond, Stefanie (21AO:0002 – Chapter 22 – Victim impact statements. 4/8/21) Pending

- VI. Cases involving Board Deliberation/Action. (Johnson)
 - 1. Allan, Bill (21FC:0024 – Chapter 22 – Mills County Board of Supervisors 3/15/21) * Dismiss
 - 2. Allan, Bill (21FC:0025 – Chapter 22 – Mills County Economic Development 3/15/21) * Dismiss
 - 3. Anonymous (21FC:0019 – Both Chapters - Moulton City Council 3/5/21) * Dismiss
 - 4. Aronson, Gavin (21FC:0021 – Chapter 22 – Des Moines Police Department 3/9/21) * Dismiss
 - 5. Bergren, Kay (21FC:0003 – Chapter 22 – City of Otho 1/7/21) * Report
 - 6. Bergren, Kay (21FC:0018 – Chapter 21 -Otho City Council 3/7/21) * Dismiss
 - 7. Bruns, Rachel (21FC:0016 – Chapter 22 – Iowa Department of Public Health 3/5/21) * Accept
 - 8. Carlson, Tracy (21FC:0007 – Chapter 21 – Kossuth Co. Board of Supervisors 2/9/21) * Dismiss
 - 9. Choate, John (20FC:0108 – Both Chapters – Manly City Council 10/20/20) * Final Report
 - 10. Dini, Emir (21FC:0013 – Chapter 22 – Iowa Civil Rights Commission 2/28/21) * Dismiss
 - 11. Fichter, Clint (21FC:0005 – Chapter 21 – City of Avoca 1/20/21) * Report
 - 12. Granger, Kathleen (21FC:0022 – Both Chapters – Harrison County Board of Supervisors/Auditor 3/10/21) * Dismiss
 - 13. Kauffman, Clark (21FC:0017 – Chapter 22 – Iowa Department of Public Health 3/5/21) * Accept
 - 14. Kauffman, Clark (21FC:0023 – Chapter 22 – Iowa Department of Public Health 3/15/21) * Dismiss
 - 15. Rush, Francis (21FC:0015 -Chapter 21 – Emerson City Council 3/2/21) * Dismiss
 - 16. Watson, Steven (21FC:0011 – Chapter 21 – Indiana Township Bd. Of Trustees 2/22/21) * Report

- VII. Matters Withdrawn, No Action Necessary. (Johnson)
 - 1.

- VIII. Pending Complaints. (Johnson)
 - 1. Anonymous (21FC:0030 – Both Chapters – Linden City Council 4/6/21) Intake
 - 2. Beatty, Troy (20FC:0087 – Chapter 22 – Evansdale Water Works 8/27/20) Pending
 - 3. Belin, Laura (20FC:0095 – Chapter 22 – University of Iowa 9/17/20) Pending
 - 4. Brewbaker, Chad (21FC:0026 – Chapter 22 – Iowa Workforce Development 3/25/21) Intake
 - 5. Kauffman, Clark (21FC:0028 – Chapter 22 – Iowa Alcoholic Beverages Division 4/1/21) Intake
 - 6. Kuhn, Mark (20FC:0128 – Chapter 21 – Floyd County Board of Supervisors 12/17/20) Pending
 - 7. Meardon, Charles (21FC:0020 – Chapter 22 - City of Tiffin 3/9/21) Intake
 - 8. Swearingin, Kim (21FC:0009 – Chapter 21 – Wayne Co. Board of Supervisors 2/14/21) Pending
 - 9. Triplett, Deanna (21FC:0029 – Chapter 22 – City of Polk City 4/5/21) Intake
 - 10. Vaughn, Deb (21FC:0027 – Chapter 21 – Springville City Council 3/29/21) Intake

- IX. Committee Reports
 - 1. Communications – (Toresdahl)
 - 2. Legislative – (Johnson)
 - 3. Rules – (Goodrich)

- X. Office status report.
 - 1. Contacts and activity * (Johnson)
 - 2. Financial/Budget Update (FY21) * (Toresdahl)
 - 3. Update on District Court cases (Johnson)
 - 1. Klein
 - 2. Ripperger
 - 3. Kilgore

4. Presentations/Trainings (Johnson) -
Iowa Municipal Finance Officers Board: April 22, 2021
ISBA Government Practice CLE: May 7, 2021
5. COVID-19 update (Johnson/Toresdahl)

XI. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room (or electronic) May 20, 2021 at 1:00 p.m.

XII. Adjourn

*** Attachments**

Electronic Meeting Guide/Outline:

1. *Each agenda item will be called in order.*
2. *IPIB staff will introduce the agenda item.*
3. *Other parties to the agenda item will be asked for comment -- complainant, then respondent.*
4. *Chair will ask IPIB members for comment -- called upon alphabetically.*
5. *Chair will request a motion and second.*
6. *There will be a roll call vote on each agenda item to be voted on.*
7. *We request that speakers other than IPIB members identify themselves before speaking. Only speak when the chair acknowledges you.*
8. *Place phones on mute, not on hold.*
9. *Speak directly into your phone (please no speaker phones).*

IOWA PUBLIC INFORMATION BOARD

April 15, 2021

Unapproved Minutes

The Board met electronically on April 15, 2021 for its monthly meeting at 1:00 p.m. by conference call originating from the 3rd floor IPIB Office Conference Room in the Wallace Building with the following members participating by telephone: Joan Corbin, Pella; E. J. Giovannetti, Urbandale; Barry Lindahl, Dubuque; Keith Luchtel, Clive; Monica McHugh, Zwingle; Rick Morain, Jefferson; Suzan Stewart, Sioux City; and Stan Thompson, Clive. Absent: Julie Pottorff, Des Moines. Also present were IPIB Executive Director Margaret Johnson; IPIB Deputy Director Brett Toresdahl; IPIB Legal Counsel Zach Goodrich. A quorum was declared present.

Others identified on the call: Randy Evans, Angela McBride, Lisa Thorn, Carol Moser, Adam Doll, Kaitlyn Smith, Ryan Matheny, Laura Belin, Eddie Fishman, Tracy Carlson, and Kay Bergren.

The IPIB held an electronic meeting pursuant to Iowa Code section 21.8 – In circumstances where an in-person meeting is impossible or impractical due to concerns about COVID-19 and social distancing for the safety of board members and the public.

Johnson reviewed the electronic meeting rules and procedure.

On a **motion** by Luchtel, **second** by Lindahl the agenda was unanimously adopted.

On a **motion** by Morain, **second** by Corbin, to approve the March 18, 2021 minutes. Unanimously adopted.

Public Forum

No comments

Items Discussed

- 1) Board Chair – No comments
- 2) Advisory Opinion
 1. Wolf, Mike (21AO:0001 – Chapter 22 – Defining “possession” in 22.1(2) definition of lawful custodian. 3/15/21). A motion by Luchtel and second by Lindahl to approve the advisory opinion. Unanimously approved, roll call 8-0.
 2. Bond, Stefanie (21AO:0002 – Chapter 22 – Victim impact statements. 4/8/21). Pending
- 3) The board was briefed on cases and took action as indicated:
 1. Allan, Bill (21FC:0024 – Chapter 22 – Mills County Board of Supervisors 3/15/21). A motion by Morain and second by Giovannetti to approve the dismissal order. Approved, roll call 7-0-1 with Stewart abstaining.

Note: Giovannetti left the call @1:23p.m.

2. Allan, Bill (21FC:0025 – Chapter 22 – Mills County Economic Development 3/15/21). A motion by Corbin and second by Luchtel to approve the dismissal order. Approved, roll call 6-0-1 with Stewart abstaining.

Note: Giovannetti returned to call 1:26p.m.

3. Anonymous (21FC:0019 – Both Chapters - Moulton City Council 3/5/21). A motion by Thompson and second by Lindahl to approve the dismissal order. Unanimously approved, roll call 8-0.
4. Aronsen, Gavin (21FC:0021 – Chapter 22 – Des Moines Police Department 3/9/21). Carol Moser spoke on the matter. A motion by Stewart and second by Thompson to approve the dismissal order as amended. Unanimously approved, roll call 8-0.
5. Bergren, Kay (21FC:0003 – Chapter 22 – City of Otho 1/7/21). A motion by Giovannetti and second by Stewart to approve the informal resolution report. Unanimously approved, roll call 8-0.
6. Bergren, Kay (21FC:0018 – Chapter 21 -Otho City Council 3/7/21). A motion by Luchtel and second by Lindahl to approve the dismissal order as amended. Unanimously approved, roll call 8-0.
7. Bruns, Rachel (21FC:0016 – Chapter 22 – Iowa Department of Public Health 3/5/21). A motion by Corbin and second by Thompson to approve the acceptance order. Unanimously approved, roll call 8-0.
8. Carlson, Tracy (21FC:0007 – Chapter 21 – Kossuth Co. Board of Supervisors 2/9/21). A motion by Giovannetti and second by Stewart to table until the next meeting. Unanimously approved, roll call 8-0.

Note: Stewart left call at 2:25p.m.

9. Choate, John (20FC:0108 – Both Chapters – Manly City Council 10/20/20). A motion by Giovannetti and second by Luchtel to approve the informal resolution final report and dismiss the complaint. Unanimously approved, roll call 7-0.

Note: Stewart returned to call at 2:28p.m.

10. Dini, Emir (21FC:0013 – Chapter 22 – Iowa Civil Rights Commission 2/28/21). A motion by Stewart and second by Giovannetti to approve the dismissal order as amended. Unanimously approved, roll call 8-0.
11. Fichter, Clint (21FC:0005 – Chapter 21 – City of Avoca 1/20/21). A motion by Lindahl and second by Corbin to approve the informal resolution report. Unanimously approved, roll call 8-0.
12. Granger, Kathleen (21FC:0022 – Both Chapters – Harrison County Board of Supervisors/Auditor 3/10/21). A motion by Morain and second by Thompson to approve the dismissal order as amended. Unanimously approved, roll call 8-0.
13. Kauffman, Clark (21FC:0017 – Chapter 22 – Iowa Department of Public Health 3/5/21). A motion by Morain and second by Lindahl to approve the acceptance order. Unanimously approved, roll call 8-0.
14. Kauffman, Clark (21FC:0023 – Chapter 22 – Iowa Department of Public Health 3/15/21). A motion by Luchtel and second by Corbin to approve the dismissal order as amended. Unanimously approved, roll call 8-0.

15. Rush, Francis (21FC:0015 -Chapter 21 – Emerson City Council 3/2/21). A motion by Lindahl and second by Thompson to approve the dismissal order. Approved, roll call 7-0-1 with Giovannetti abstaining.
16. Watson, Steven (21FC:0011 – Chapter 21 – Indiana Township Bd. Of Trustees 2/22/21). A motion by Giovannetti and second by Stewart to approve the informal resolution report. Unanimously approved, roll call 8-0.

4) Matters Withdrawn. No Action -
None

5) Pending complaints that required no board action. Informational

1. Anonymous (21FC:0030 – Both Chapters – Linden City Council 4/6/21) Intake
2. Beatty, Troy (20FC:0087 – Chapter 22 – Evansdale Water Works 8/27/20)
Pending
3. Belin, Laura (20FC:0095 – Chapter 22 – University of Iowa 9/17/20) Pending
4. Brewbaker, Chad (21FC:0026 – Chapter 22 – Iowa Workforce Development 3/25/21) Intake
5. Kauffman, Clark (21FC:0028 – Chapter 22 – Iowa Alcoholic Beverages Division 4/1/21) Intake
6. Kuhn, Mark (20FC:0128 – Chapter 21 – Floyd County Board of Supervisors 12/17/20) Pending
7. Meardon, Charles (21FC:0020 – Chapter 22 - City of Tiffin 3/9/21) Intake
8. Swearingin, Kim (21FC:0009 – Chapter 21 – Wayne Co. Board of Supervisors 2/14/21) Pending
9. Triplett, Deanna (21FC:0029 – Chapter 22 – City of Polk City 4/5/21) Intake
10. Vaughn, Deb (21FC:0027 – Chapter 21 – Springville City Council 3/29/21)
Intake

6) Committee Reports

1. Communications – No report
2. Legislative – Johnson provided a brief update on legislation being monitored.
3. Rules – No report

7) Updates for the board.

- a. Johnson provided an overview of the March website use and YTD case totals.
- b. Toresdahl shared the FY21 financials and budget appropriation update.
- c. Johnson provided an update on the District Court Cases.
Klein – Supreme Court is retaining.
Ripperger – Supreme Court is retaining.
Kilgore – Dismissed.

Note: Stewart left call at 3:29p.m.

- d. Johnson shared completed and future presentations/trainings
Iowa Municipal Finance Officers Board on April 22, 2021.
ISBA Government Practice CLE: May 7, 2021
- e. COVID-19 impact on IPIB – Discussed future in-person Board meetings and building status.

The next IPIB meeting will be in the Wallace Building, **3rd floor E/W Conference Room**, (or by electronic meeting if necessary), May 20, 2021, at 1:00 p.m.

At 3:39 p.m. the meeting adjourned on a motion by Giovannetti and a second by Thompson.
Unanimously approved.

Respectfully submitted
Brett Toresdahl, Deputy Director

IPIB, Chair
Approved