

IOWA PUBLIC INFORMATION BOARD

MEMBERS

Joan Corbin, Pella (Government Representative, 2020-2024)
E. J. Giovannetti, Urbandale (Government Representative, 2018-2022)
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, 2017-2024)
Suzan Stewart, Sioux City (Public Representative, 2018-2022)
Stan Thompson, Clive (Public Representative, 2020-2024)
Vacant (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

September 17, 2020 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 August 20, 2020 minutes *
- III. Public Forum (5 minute limit per speaker)
- IV. Comments from the board chair. (Pottorff)
- V. Cases involving Board Deliberation/Action. (Johnson)
 1. Baker, Joshua (19FC:0108 – Chapter 22 – City of Sheffield 9/18/19) * Report
 2. Cooling, Toni (20FC:0058 – Chapter 21 – Oxford City Council 6/10/20) * Report

3. Henely, Eric (20FC:0081 – Chapter 21 – Gilbert Community School District 8/23/20) * Acceptance
4. Henely, Eric (20FC:0091 – Chapter 21 – Gilbert Community School District 9/3/20) * Dismissal
5. Kruse, Anne (20FC:0076 – Chapter 22 – Postville Volunteer Fire Department 7/22/20) * Dismissal
6. O'Brien, Debra (20FC:0079 – Story County Medical Examiner's Office 8/14/20) * Dismissal
7. Oetken, Todd (20FC:0088 – Chapter 22 – Burlington Police Department 8/28/20) * Dismissal
8. Pugh, James (20FC:0089 – Both Chapters – Urbandale Community School Board 8/29/20) * Dismissal
9. Schoenwolf, Andrew (20FC:0078 – Chapter 22 – Butler County Sheriff Department 8/13/20) * Dismissal
10. Wright, Jordan (20FC:0048 – Chapter 21 – Richland City Council 5/13/20) * Report
11. Yakobson, Alex (20FC:0072 – Chapter 22 – Ames Community School District 7/14/20) * Dismissal

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 Matters Withdrawn, No Action Necessary.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

1. Moyers, Lana (20FC:0082 – Both Chapters – City of Emerson 8/24/20) * Withdrawn
2. DeKoter, Daniel (20FC:0074 – Chapter 22 – Okoboji Community School District 7/15/20) * Withdrawn

VII. Pending Complaints. (Johnson)

1. Beatty, Troy (20FC0087 – Chapter 22 – Evansdale WaterWorks 8/27/20) Intake
2. Becker, Julie (20FC:0077 – Chapter 21 – Dallas Center Library Board 7/25/20) Intake
3. Carlson, Heather (20FC:0080 – Chapter 21 – Davenport Community School District Board 8/21/20) Intake
4. Carlson, Heather (20FC:0083 – Chapter 21 – Davenport Community School District Board 8/24/20) Intake
5. Clayworth, Jason (19FC:0138 – Chapter 22 – Des Moines Water Works 11/26/19) Pending
6. Dominick, Michael (20FC:0085 – Chapter 22 – Benton County Sheriff Department 8/26/20) Intake
7. Henely, Eric (20FC:0070 – Chapter 21 – Gilbert Community School District 7/13/20) Pending
8. Hoherz, Amy Jo (20FC:0090 – Chapter 21 – Iowa Board of Regents 9/2/20) Intake
9. IowaLive (20FC:0084 – Chapter 22 – Iowa State University Athletic Dept. 8/26/20) Intake
10. Jones, Nate (20FC:0086 – Chapter 22 – Iowa Dept. of Public Health 8/27/20) Intake
11. Lewis, Jean (20FC:0075 – Both Chapters – Jasper County Board of Health 7/16/20) Pending
12. Lewis, Jean (20FC:0092 – Chapter 22 – Jasper County 9/4/20) Intake
13. Lewis, Jean (20FC:0093 – Chapter 21 – Jasper County Board of Health 9/9/20) Intake
14. Peck, Jerry (20FC:0011 – Chapter 21 – City of Zearing 2/9/20) and Peck, Jerry (20FC:0014 – Both chapters – City of Zearing 2/10/20) Pending
15. Simpson, Jamie (20FC:0059 – Chapter 21 – Essex City Council 6/11/20) Pending

VIII. Committee Reports

1. Communications –
2. Legislative – * legislative proposals
3. Rules –

IX. Office status report.

1. Contacts and activity * (Johnson)
2. Financial/Budget Update (FY21) * (Toresdahl)

3. Update on District Court cases (Johnson)
4. Presentations/Trainings (Johnson) -
ISBA Government Practice CLE: October 9, 2020
ISAC: January 13, 2021
5. COVID-19 update (Johnson/Toresdahl)

X. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room
October 15, 2020 at 1:00 p.m.

XI. 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 in sections V and VI.*
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

September 17, 2020

Unapproved Minutes

The Board met electronically on September 17, 2020 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; Keith Luchtel, Clive; Monica McHugh, Zwingle; Rick Morain, Jefferson; Julie Pottorff, Des Moines; Suzan Stewart, Sioux City; and Stan Thompson, Clive. 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: Holly Cockery, Eric Henely, James Pugh, Ethan Anderson, and Josh Baker.

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.

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

On a **motion** by Corbin, **second** by Stewart, to approve the August 20, 2020 minutes. Unanimously adopted.

Public Forum

No comments.

Items Discussed

- 1) Board Chair – Reviewed the procedures for the electronic meeting.
- 2) The board was briefed on cases and took action as indicated:
 1. Baker, Joshua (19FC:0108 – Chapter 22 – City of Sheffield 9/18/19). A motion by Giovanetti and second by Morain to table the final report and ask staff to seek further information from the city. Unanimously approved, roll call 8-0.
 2. Cooling, Toni (20FC:0058 – Chapter 21 – Oxford City Council 6/10/20). A motion by Luchtel and second by McHugh to approve the informal resolution report. Unanimously approved, roll call 8-0.
 3. Henely, Eric (20FC:0081 – Chapter 21 – Gilbert Community School District 8/23/20). A motion by McHugh and second by Giovanetti to accept the complaint. Unanimously approved, roll call 8-0.
 4. Henely, Eric (20FC:0091 – Chapter 21 – Gilbert Community School District 9/3/20). A motion by Morain and second by Giovanetti to approve the dismissal order. Unanimously approved, roll call 8-0.

5. Kruse, Anne (20FC:0076 – Chapter 22 – Postville Volunteer Fire Department 7/22/20). A motion by Stewart and second by McHugh to approve the dismissal order. Unanimously approved, roll call 8-0.
6. O'Brien, Debra (20FC:0079 – Story County Medical Examiner's Office 8/14/20). A motion by McHugh and second by Corbin to approve the dismissal order. Unanimously approved, roll call 8-0.
7. Oetken, Todd (20FC:0088 – Chapter 22 – Burlington Police Department 8/28/20). A motion by Thompson and second by Luchtel to approve the dismissal order. Unanimously approved, roll call 8-0.
8. Pugh, James (20FC:0089 – Both Chapters – Urbandale Community School Board 8/29/20). A motion by McHugh and second by Luchtel to approve the dismissal order. Approved, roll call 7-1 with Morain voting nay.
9. Schoenwolf, Andrew (20FC:0078 – Chapter 22 – Butler County Sheriff Department 8/13/20). A motion by Stewart and second by Corbin to approve the dismissal order as amended. Approved, roll call 7-0 with Giovanetti absent/not voting.
10. Wright, Jordan (20FC:0048 – Chapter 21 – Richland City Council 5/13/20). A motion by Luchtel and second by McHugh to approve the informal resolution report. Unanimously approved, roll call 8-0.
11. Yakobson, Alex (20FC:0072 – Chapter 22 – Ames Community School District 7/14/20). A motion by Luchtel and second by Morain to continue the complaint until the next meeting. Approved, roll call 7-1 with McHugh voting nay.

3) Matters Withdrawn. No Action -

1. Moyers, Lana (20FC:0082 – Both Chapters – City of Emerson 8/24/20) Withdrawn
2. DeKoter, Daniel (20FC:0074 – Chapter 22 – Okoboji Community School District 7/15/20) Withdrawn

4) Pending complaints that required no board action. Informational

1. Beatty, Troy (20FC0087 – Chapter 22 – Evansdale WaterWorks 8/27/20) Intake
2. Becker, Julie/Haxton, Robert (20FC:0077 – Chapter 21 – Dallas Center Library Board 7/25/20) Intake
3. Carlson, Heather (20FC:0080 – Chapter 21 – Davenport Community School District Board 8/21/20) Intake
4. Carlson, Heather (20FC:0083 – Chapter 21 – Davenport Community School District Board 8/24/20) Intake
5. Clayworth, Jason (19FC:0138 – Chapter 22 – Des Moines Water Works 11/26/19) Pending
6. Dominick, Michael (20FC:0085 – Chapter 22 – Benton County Sheriff Department 8/26/20) Intake
7. Henely, Eric (20FC:0070 – Chapter 21 – Gilbert Community School District 7/13/20) Pending
8. Hoherz, Amy Jo (20FC:0090 – Chapter 21 – Iowa Board of Regents 9/2/20) Intake

9. IowaLive (20FC:0084 – Chapter 22 – Iowa State University Athletic Dept. 8/26/20) Intake
10. Jones, Nate (20FC:0086 – Chapter 22 – Iowa Dept. of Public Health 8/27/20) Intake
11. Kilgore, Kevin (20FC:0094 – Both Chapters – Ringgold County 9/14/20) Intake
12. Lewis, Jean (20FC:0075 – Both Chapters – Jasper County Board of Health 7/16/20) Pending
13. Lewis, Jean (20FC:0092 – Chapter 22 – Jasper County 9/4/20) Intake
14. Lewis, Jean (20FC:0093 – Chapter 21 – Jasper County Board of Health 9/9/20) Intake
15. Peck, Jerry (20FC:0011 – Chapter 21 – City of Zearing 2/9/20) and Peck, Jerry (20FC:0014 – Both chapters – City of Zearing 2/10/20) Pending
16. Simpson, Jamie (20FC:0059 – Chapter 21 – Essex City Council 6/11/20) Pending

5) Committee Reports

1. Communications – No report
2. Legislative – Luchtel presented committee report on three pieces of proposed legislation:
 - #1 An Act relating to the definition of meetings and public notice requirements under the open meetings law. (chapter 21)
 - #2 An Act relating to the confidentiality of certain law enforcement reports, records, and information under Iowa’s open records law. (chapter 22)
 - #3 An Act relating to the members of the Iowa public information board members and to filing complaints with the Iowa public information board. (chapter 23)

The Board discussed these proposals.

A motion by Luchtel and second by Morain to amend proposal #3 by striking section 1. Unanimously approved, voice vote.

A motion by Luchtel and second by Morain to recommend approving the proposed legislation as amended. Unanimously approved, voice vote.
3. Rules – No report

6) Updates for the board.

- a. Johnson provided an overview of the August website use and YTD case totals.
- b. Toresdahl shared the FY21 financials and previewed FY 22 & 23 budget requests.
- c. Johnson shared completed and future presentations/trainings – The ISBA Government Practice CLE will be on October 9, 2020. The ISAC New Officer training will be on January 13, 2021.
- d. Johnson provided an update on the District Court Cases. Klein case appealed to the Supreme Court, response brief due October 16, 2020. Rippinger case appealed to the Supreme Court, proof brief due 9/21/20.
- e. COVID-19 impact on IPIB – Discussed future Board meetings.

The next IPIB meeting will be in the Wallace Building, **3rd floor E/W Conference Room**, October 15, 2020, at 1:00 p.m.

At 3:38 p.m. the meeting adjourned on a motion by McHugh and a second by Giovanetti. Unanimously approved.

Respectfully submitted
Brett Toresdahl, Deputy Director

IPIB, Chair
Approved