

# **IOWA PUBLIC INFORMATION BOARD**

## **MEMBERS**

**Joan Corbin, Pella (Government Representative, 2020-2024)**  
**E. J. Giovannetti, Urbandale (Government Representative, 2018-2022)**  
**Matt Highland, Des Moines (Public 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, 2017-2024)**  
**Suzan Stewart, Sioux City (Public Representative, 2018-2022)**  
**Stan Thompson, (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**

**May 21, 2020 1:00 p.m.**

**Wallace Building**

**502 East 9<sup>th</sup> 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 April 16, 2020 minutes \*
- III. Public Forum (5 minute limit per speaker)
- IV. Comments from the board chair. (Pottorff)  
Board Transition/Welcome
- V. Advisory Opinion
  1. Clayworth, Jason (20AO:0001 – Chapter 22 - 3/11/20) \* (Informal)
  2. Curran, Christopher (20AO:0002 – Chapter 22 – 5/12/20) Pending

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

1. Bloes, Curtis (20FC:0042 – Chapter 21 – Wall Lake City Council 4/14/20) \* Dismissal
2. Elam, Scott (20FC:0031 – Chapter 22 – City of Marion 3/15/20) \* Dismissal
3. Furry, David (20FC:0043 – Chapter 21 – Mechanicsville City Council 4/14/20) \* Dismissal
4. Henely, Eric (20FC:0039 – Chapter 21 – Gilbert Community School District 4/7/20) \* Dismissal
5. Johnson, Terry (20FC:0044 – Chapter 22 – Chickasaw Co. Board of Health 4/23/20) \* Dismissal
6. Kilgore, Kevin (20FC:0040 – Both chapters – Ringgold County 4/7/20) \* Dismissal
7. Latta, Stephanie (20FC:0038 – Chapter 22 – City of Emerson 4/7/20) \* Dismissal
8. McGregor, Don (20FC:0015 – Chapter 21 – Kossuth Co. EMS Board 2/10/20) \* Probable Cause Report
9. Nehman, Logan (20FC:0028 – Chapter 21 – Fonda City Council 3/5/20) \* Dismissal
10. Northway, Zach (20FC:0029 – Both Chapters – Craig City Council 3/10/20) \* Acceptance
11. Paup, Donna (20FC:0026 – Mechanicsville City Council 3/3/20) \* Dismissal
12. 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) \* Report
13. Radtke, Mari (20FC:0005 – Chapter 22 – Archer City Council 1/13/20) \* Report
14. Roston, David (20FC:0018 – Chapter 22 – University of Iowa 2/19/20) \* Dismissal
15. Schnoor, James (20FC:0041 – Both Chapters – City of Treynor 4/10/20) \* Dismissal
16. Snell, Linn (20FC:0034 – Chapter 21 – City of Elberon 3/24/20) \* Dismissal
17. Strait, Martin (20FC:0033 – Chapter 22 – Department of Corrections 3/24/20) \* Dismissal
18. Vaccaro, Michelle (20FC:0036 – Chapter 22 – Polk County Sheriff Department & Polk County Attorney Office 3/31/20) \* Acceptance

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

1. Baker, Patrick (20FC:0037 - Chapter 21 – City of Stockton 4/6/20) \* Withdrawn

VIII. Pending Complaints. (Johnson)

1. Baker, Joshua (19FC:0108 – Chapter 22 – City of Sheffield 9/18/19) Pending
2. Beymer, Jared (19FC:0132 – Chapter 21 – Crawford Co. Land Mobile Radio Advisory Board 11/10/19) Pending
3. Clayworth, Jason (19FC:0138 – Chapter 22 – Des Moines Water Works 11/26/19) Pending
4. Donaldson, Alan (20FC:0045 – Chapter 22 - BCLUW Community School District 5/3/20) Intake
5. Johnson, Cody (20FC:0046 – Chapter 21 – Searsboro City Council 5/5/20) Intake
6. Olney, Bill (19FC:0146 – Chapter 21 – Marathon City Council 12/14/19) and; Robinson, Larry (19FC:0143 – Chapter 21 – Marathon City Council 12/12/19) Pending
7. Sellers, Darran (19FC:0148 – Chapter 21 – Vinton City Council 12/31/19) Pending
8. Staley, Peggy (20FC:0049 – Chapter 22 – Crawford County 911 Board 5/13/20) Intake
9. Stender, Deron (20FC:0047 – Chapter 22 – Clarinda Comm. School District 5/13/20) Intake
10. Wright, Jordan (20FC:0048 – Chapter 21 – Richland City Council 5/13/20) Intake

IX. District Court Updates. (Johnson)

X. Committee Reports

1. Communications – (McHugh)
2. Legislative – (Luchtel)
3. Rules – (Pottorff/Stewart)

- XI. Office status report.
1. Contacts and activity \* (Johnson)
  2. Financial/Budget Update (FY21) \* (Toresdahl)
  3. Presentations/Trainings (Johnson)  
Early Childhood Iowa – May 12, 2020
  4. Staffing Update (Johnson)
  5. COVID-19 impact on IPIB (Johnson/Toresdahl)
- XII. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room  
June 18, 2020 at 1:00 p.m.
- XIII. 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

May 21, 2020

## Unapproved Minutes

The Board met electronically on May 21, 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; Matt Highland, Des Moines; Keith Luchtel, Clive; Monica McHugh, Zwingle (*joins call at 2:02PM*); Rick Morain, Jefferson; Julie Pottorff, Des Moines; Suzan Stewart, Sioux City; 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: Randy Evans, Julie Bussanmas, Susan Patterson-Plank, Michelle Vaccarro, Justin Vaccarro, Rachel Leon, Patricia Jones, Jerry Peck, and Linn Snell.

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 Giovannetti, **second** by Morain the agenda was unanimously adopted.

On a **motion** by Stewart, **second** by Luchtel, to approve the April 16, 2020 minutes as amended. Unanimously adopted.

### Public Forum

No comments.

### Items Discussed

- 1) Board Chair – Welcomed new members to the Board. Discussed the rules for an orderly meeting.
- 2) Advisory Opinions
  1. Clayworth, Jason (20AO:0001 – Chapter 22 - 3/11/20). At the direction of the Board at the April meeting, Johnson changed the response to an informal advice letter and incorporated the suggested changes. Letter was provided to the Board for review but no action was necessary.
  2. Curran, Christopher (20AO:0002 – Chapter 22 – 5/12/20) Pending
- 3) The board was briefed on cases and took action as indicated:
  1. Bloes, Curtis (20FC:0042 – Chapter 21 – Wall Lake City Council 4/14/20). A motion by Luchtel and second by Giovannetti to approve the dismissal order. Unanimously approved, roll call 8-0.

2. Elam, Scott (20FC:0031 – Chapter 22 – City of Marion 3/15/20). A motion by Giovannetti and second by Luchtel to approve the revised dismissal order. Unanimously approved, roll call 8-0.
3. Furry, David (20FC:0043 – Chapter 21 – Mechanicsville City Council 4/14/20). A motion by Morain and second by Giovannetti to approve the dismissal order with a change. Unanimously approved, roll call 8-0.
4. Henely, Eric (20FC:0039 – Chapter 21 – Gilbert Community School District 4/7/20). A motion by Stewart and second by Highland to approve the dismissal order. Unanimously approved, roll call 8-0.
5. Johnson, Terry (20FC:0044 – Chapter 22 – Chickasaw Co. Board of Health 4/23/20). A motion by Highland and second by Luchtel to approve the dismissal order. Unanimously approved, roll call 8-0.
6. Kilgore, Kevin (20FC:0040 – Both chapters – Ringgold County 4/7/20). A motion by Giovannetti and second by Thompson to approve the dismissal order. Unanimously approved, roll call 8-0.
7. Latta, Stephanie (20FC:0038 – Chapter 22 – City of Emerson 4/7/20). A motion by Giovannetti and second by Highland to approve the dismissal order. Unanimously approved, roll call 8-0.
8. McGregor, Don (20FC:0015 – Chapter 21 – Kossuth Co. EMS Board 2/10/20). A motion by Thompson and second by Luchtel to accept the probable cause report and dismissal order. Unanimously approved, roll call 8-0.
9. Nehman, Logan (20FC:0028 – Chapter 21 – Fonda City Council 3/5/20). A motion by Giovannetti and second by Highland to approve the dismissal order with the changes suggested. Unanimously approved, roll call 8-0.

*Note: McHugh joined the conference call at 2:02P.M.*

10. Northway, Zach (20FC:0029 – Both Chapters – Craig City Council 3/10/20). A motion by Highland and second by McHugh to table for further review. Unanimously approved, roll call 9-0.
11. Paup, Donna (20FC:0026 – Mechanicsville City Council 3/3/20). A motion by McHugh and second by Stewart to approve the dismissal order. Approved, roll call 8-1 with Luchtel voting nay.
12. 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). A motion by Luchtel and second by McHugh to accept the informal resolution report. Approved, roll call 7-1 with Stewart voting nay and Thompson abstaining.
13. Radtke, Mari (20FC:0005 – Chapter 22 – Archer City Council 1/13/20). A motion by Morain and second by Corbin to accept the informal resolution report. Unanimously approved, roll call 9-0.

*Note: McHugh dropped off call at 2:40P.M.*

14. Roston, David (20FC:0018 – Chapter 22 – University of Iowa 2/19/20). A motion by McHugh and second by Luchtel to approve the dismissal order. Unanimously approved, roll call 7-0 with Thompson abstaining.

*Note: McHugh returned to the call at 2:44P.M.*

15. Schnoor, James (20FC:0041 – Both Chapters – City of Treynor 4/10/20). A motion by Stewart and second by Giovannetti to approve the dismissal order. Unanimously approved, roll call 9-0.

16. Snell, Linn (20FC:0034 – Chapter 21 – City of Elberon 3/24/20). A motion by Luchtel and second by McHugh to table for two months and review at the July meeting. Approved, roll call 8-1 with Highland voting nay.
17. Strait, Martin (20FC:0033 – Chapter 22 – Department of Corrections 3/24/20). A motion by Luchtel and second by Thompson to approve the dismissal order. Unanimously approved, roll call 9-0.
18. Vaccaro, Michelle (20FC:0036 – Chapter 22 – Polk County Sheriff Department & Polk County Attorney Office 3/31/20). A motion by Stewart and second by McHugh to table for further review. Unanimously approved, roll call 8-0 with Giovannetti abstaining.

4) Complaints Withdrawn. No Action

1. Baker, Patrick (20FC:0037 - Chapter 21 – City of Stockton 4/6/20)

5) Pending complaints that required no board action. Informational

1. Baker, Joshua (19FC:0108 – Chapter 22 – City of Sheffield 9/18/19) Pending
2. Beymer, Jared (19FC:0132 – Chapter 21 – Crawford Co. Land Mobile Radio Advisory Board 11/10/19) Pending
3. Clayworth, Jason (19FC:0138 – Chapter 22 – Des Moines Water Works 11/26/19) Pending
4. Donaldson, Alan (20FC:0045 – Chapter 22 - BCLUW Community School District 5/3/20) Intake
5. Johnson, Cody (20FC:0046 – Chapter 21 – Searsboro City Council 5/5/20) Intake
6. Olney, Bill (19FC:0146 – Chapter 21 – Marathon City Council 12/14/19) and; Robinson, Larry (19FC:0143 – Chapter 21 – Marathon City Council 12/12/19) Pending
7. Sellers, Darran (19FC:0148 – Chapter 21 – Vinton City Council 12/31/19) Pending
8. Staley, Peggy (20FC:0049 – Chapter 22 – Crawford County 911 Board 5/13/20) Intake
9. Stender, Deron (20FC:0047 – Chapter 22 – Clarinda Comm. School District 5/13/20) Intake
10. Wright, Jordan (20FC:0048 – Chapter 21 – Richland City Council 5/13/20) Intake

6) District Court Cases

1. Klien: Appeal of Agency Action – An appeal has been filed in the District Court decision.
2. Rippinger: It is under review by the District Court.
3. Wolgamott: Petition for Writ of Certiorari was denied by the District Court.

7) Committee Reports

1. Communications –Johnson discussed the monthly columns related to COVID-19.
2. Legislative – No report
3. Rules – No report

8) Updates for the board.

- a. Johnson provided an overview of the April website use and YTD case totals.

- b. Toresdahl shared the FY20 financials. Also shared budget appropriation projections for FY21.
- c. Johnson shared completed presentations/trainings  
Early Childhood Iowa – May 12, 2020
- d. Staffing –Zach Goodrich is the new legal counsel in the office. He started May 1, 2020.
- e. COVID-19 impact on IPIB – Discussed current work environment.

The next IPIB meeting will be in the Wallace Building, **3rd Floor E/W Conference Room**, June 18, 2020, at 1:00 p.m.

At 3:51 p.m. the meeting adjourned on a motion by McHugh and a second by Stewart. Unanimously approved.

Respectfully submitted  
Brett Toresdahl, Deputy Director

IPIB, Chair  
Approved