

## The Iowa Public Information Board

In re the Matter of: Kay Bax, Complainant And Concerning: City of Fontanelle, Respondent	Case Number: 22FC:0100  Informal Resolution Order
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This matter comes before the Iowa Public Information Board (IPIB) this 19th day of January, 2023, to consider the Acceptance of an Informal Resolution.

Kay Bax filed formal complaint 22FC:0100 on September 14, 2022, alleging that the City of Fontanelle (City) violated Iowa Code chapter 21.

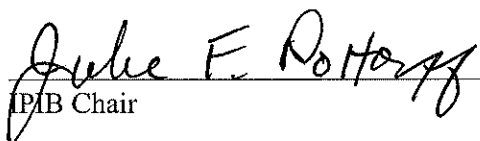
The Iowa Public Information Board (IPIB) accepted this complaint on October 20, 2022. Pursuant to Iowa Code section 23.9, the parties have agreed to the terms of an informal resolution.

Ms. Bax approved the Informal Resolution on December 9, 2022. The City approved the Informal Resolution on December 23, 2022.

The Board has reviewed the informal resolution and approves it pursuant to Iowa Administrative Rule 497-2.4(3). The IPIB chair is directed to sign the Informal Resolution on behalf of the IPIB.

The parties have 90 days to complete the proposed terms from today's date. If the terms of the Informal Resolution are completed, the IPIB will dismiss the complaint.

So Ordered this 19th day of January, 2023.

  
IPIB Chair

### CERTIFICATE OF MAILING

This document was sent by electronic mail on the 30<sup>th</sup> day of January, 2023, to:

Kay Bax  
Justin Hockenberry, city attorney

## INFORMAL RESOLUTION

22FC:0100

### Kay Bax and the City of Fontanelle

Kay Bax filed formal complaint 22FC:0100 on September 14, 2022, alleging that the City of Fontanelle (City) violated Iowa Code chapter 21 by going into a closed session without listing such a session on the agenda and without a proper vote on July 25, 2022.

The City provided a copy of the agenda and the minutes for the July 25, 2022, meeting. The agenda did not list the closed session. The minutes did not indicate the votes of the members present to go into closed session.

Ms. Bax also alleged other violations of Iowa Code section 21.5, such as not providing documentation that the employees requested the closed session, as required by Iowa Code section 21.5(1)(i), and going "off topic" during the closed session.

The IPIB accepted this formal complaint on October 20, 2022. Pursuant to Iowa Code section 23.9, the parties agree to the following terms:

1. The City will acknowledge that the July 25, 2022, meeting did not meet the notice and other requirements of Iowa Code chapter 21.
2. The City will ensure that future gatherings concerning City policies and procedures attended by a majority of the City council members will be noticed and conducted following the requirements of Iowa Code chapter 21.
3. The City will schedule and hold a training session concerning the requirements of Iowa Code chapter 21. The training will be open to the public. The City can arrange the training through the Iowa League of Cities or with the assistance of the City's legal counsel. The powerpoint presentation available on the IPIB website can be used as training materials.
4. The City will approve this informal resolution in an open meeting and include the entire text of the informal resolution in the City minutes.
5. The City, or City staff, will develop a checklist to follow when holding closed sessions during meetings to ensure that the requirements of Chapter 21 are followed. A copy of the checklist will be provided to the IPIB staff for approval.

The terms of the Informal Resolution will be completed within 90 days of the approval of all parties. Upon successful completion of the terms, the IPIB will dismiss this complaint.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

Kay L. Bax  
Kay Bax

12-09-2022  
Date

\_\_\_\_\_  
City of Fontanelle

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
(Print Name)

IPIB:

Julie F. Pottorf  
Chair

1/23/23  
Date