

# **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, Pleasant Hill (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**

**Erika Eckley, Executive Director**

**Brett Toresdahl, Deputy Director**

**Daniel Strawhun, Legal Counsel**

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

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

***To unmute your phone, enter ##1 on your key pad***

## **Agenda**

**October 19, 2023, 1:00 p.m.**

**3<sup>rd</sup> Floor E/W Conference Room**

**Wallace Building**

**502 East 9<sup>th</sup> Street, Des Moines**

### **1:00 PM – IPIB Meeting**

- I. Approval of agenda\*
- II. Approval of the September 20, 2023 minutes \*
- III. Public Forum (5-minute limit per speaker)
- IV. Comments from the board chair. (McHugh)
  - Discussion regarding Board procedures
- V. Advisory Opinion – Deliberation/Action.
  1. 23AO:0008 Debra Schiel-Larson – Chapter 22 - Draft documents confidentiality exception. 10/11/23 pending
- VI. Cases involving Board Deliberation/Action. (Eckley)
  1. 23FC:0044 Cliff Sheakley – Chapter 22 – Tama County Assessor – 3/31/23 \* Final Report
  2. 23FC:0060 Dina Raley - Chapter 22- Delaware County Sheriff 6/16/2023 - \* Acceptance
  3. 23FC:0063 Laurie Kramer - Chapter 21- City of Delhi 6/19/2023; & 23FC:0063 Greg Preussner – Chapter 21– City of Delhi - \* Informal Resolution Report
  4. 23FC:0069 Roger Hurlbert – Chapter 22 – Montgomery County Assessor 6/26/23 – \* Acceptance
  5. 23FC:0071 Bradley Wendt – Chapter 21 – City of Adair – 7/11/23 – \* Dismissal
  6. 23FC:0075 Less Grossman – Chapter 21 – Eastern Iowa Community College – 7/17/23 – \* Dismissal

7. 23FC:0087 Travis Scott – Chapter 22 – O’Brien County Conservation Board – 8/24/23 – \* Dismissal
8. 23FC:0088 Concerned Citizen – Chapter 21 – O’Brien County Conservation Board – 8/28/23 – \* Dismissal
9. 23FC:0090 Richard Radtke – Chapter 22 – City of Paulina 9/6/2023 – \* Dismissal
10. 23FC:0091 Michelle Hillman – Chapter 21 – Grand Junction City Council 9/14/23 – \* Acceptance
11. 23FC:0092 Pamela Jo Brodie-Fitzgerald – Chapter 21 – City of Marquette 9/19/23 – \* Dismissal

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 Matters Withdrawn, No Action Necessary.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

1. 23FC:0095 Emily Hawk – Chapter 22 – Moulton-Udell School District 10/3/23 – \* Withdrawn

VIII. Pending Complaints. Informational Only (Eckley)

1. 22FC:0069 Mari Radtke - Chapter 22- City of Paulina 7/25/2022 - Pending Informal Resolution
2. 22FC:0118 Dakota Sellers - Chapter 22- City of Vinton 11/14/2022 – Pending Informal Resolution
3. 23FC:0053 Debra Schiel-Larson – Both Chapters – Indianola Community School District – 5/1/23
4. 23FC:0056 Ruth Bolinger - Chapter 21- Creston City Council 5/22/2023 – Pending Informal Resolution
5. 23FC:0065 Neetu Arnold - Chapter 22 – University of Northern Iowa 6/14/23 Pending Informal Resolution
6. 23FC:0072 Don Benedict – Chapter 22 – City of Sidney – 7/11/23 – Pending Informal Resolution
7. 23FC:0074 Chad Miller - Chapter 21- Scott County Board of Review 7/18/2023 – Pending Informal Resolution
8. 23FC:0081 Elijah Mathern – Chapter 21 – GMG Community School District – 8/10/23 – Information Gathering
9. 23FC:0082 Melisa Mattingly – Both Chapters – McCallsburg City Council – 8/3/23 – \*
10. 23FC:0083 Brendan Chaney – Chapter 21 – City of Iowa Falls – 8/14/23 – Information Gathering
11. 23FC:0085 Jackie Stonewall – Chapter 21 – GMG Community School Board – 8/22/23 – Information Gathering
12. 23FC:0086 Todd Banner – Chapter 22 – Iowa State University – 8/23/23 – Information Gathering
13. 23FC:0093 Randy Phelps – Chapter 22 – Boone Police Department 9/27/23 – Information Gathering
14. 23FC:0094 Matthew Jensen – Chapter 22 – Pottawatomie Co. Treasurer 9/28/23 – Information Gathering
15. 23FC:0096 Leslie Wiles – Chapter 21 – Redfield Public Library 10/9/23 – Information Gathering
16. 23FC:0097 Pauletta Cox – Chapter 21 – Redfield Public Library 10/9/23 – Information Gathering

IX. Committee Reports

1. Communications – (Toresdahl)
2. Legislative – (Eckley)
3. Rules – (Strawhun)

X. Office status report.

1. Office Update \* (Eckley)
2. Financial/Budget Update (FY23) \* (Toresdahl)
3. Presentations/Trainings (Eckley)
4. District Court Update (Strawhun)

XI. Next IPIB Board Meeting will be held in the Wallace Building, 3rd Floor, E/W Conference Room  
November 16, 2023 at 1:00 p.m.

XII. Adjourn

**\* Attachments**

IPIB Legislative Committee meeting at 3:00p.m. or immediately following the Board meeting in the IPIB Office Conference Room.

## IOWA PUBLIC INFORMATION BOARD

September 21, 2023

### Unapproved Minutes

The Board met on September 21, 2023 for its monthly meeting at 1:00 in the 3rd floor E/W Conference Room in the Wallace Building with the following members participating: Daniel Breitbarth, Des Moines; Joan Corbin, Pella; E. J. Giovannetti, Urbandale (phone); Barry Lindahl, Dubuque; Joel McCrea, Pleasant Hill; Monica McHugh, Zwingle (phone); Julie Pottorff, Des Moines; Jackie Schmillen, Urbandale (phone). Also present were IPIB Executive Director Erika Eckley; Brett Toresdahl, Deputy Director; Daniel Strawhun, Legal Counsel. A quorum was declared present.

Others identified present or by phone: Ruth Bolinger, Laura Belin, Brian Guillaume, Donn Stanley, Molly Kilker, Julie Madden, Chad Miller, Mark Alcott, Tom McMann, Carrie Weber, Kevin Hart.

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

On a **motion** by Pottorff, **second** by Brietbarth, to approve the August 17, 2023 minutes. Unanimously adopted 8-0.

**Public Forum** – none

**Public Input** - regarding policies to address potentially abusive conduct surrounding record requests.

**Board Chair** Comments – None

#### **Advisory Opinions** –

1. 23AO:0005 (IPIB – Chapter 22) 8/22/2023 - What limits can government entities place on electronic records requests to address cyber security concerns? A motion by Pottorff and second by Brietbarth to approve the Advisory Opinion. Unanimously approved, 8-0.
2. 23AO:0006 (Brent Ruther - Chapter 22- ) 8/25/2023 – Whether a county can be considered the lawful custodian of all records, including employment records, of the sheriff’s office within that county? A motion by McCrea and second by Brietbarth to approve the Advisory Opinion. Unanimously approved, 8-0.
3. 23AO:0007 (Matthew Byrne - Calhoun County Board of Supervisors – Chapter 21) 8/28/2023 - Is it normal for an elected County Supervisor to review and personally edit the meeting minutes before publishing? A motion by Brietbarth and second by Corbin to approve the Advisory Opinion. Unanimously approved, 8-0.

**The board was briefed on cases and took action as indicated:**

1. 22FC:0069 Mari Radtke - Chapter 22- City of Paulina 7/25/2022 - A motion by Pottorff and second by Brietbarth to receive the report. Unanimously approved, 8-0.
2. 22FC:0118 Dakota Sellers - Chapter 22- City of Vinton 11/14/2022 - A motion by Pottorff and second by Brietbarth to accept the informal resolution report. Unanimously approved, 8-0.
3. 23FC:0056 Ruth Bolinger - Chapter 21- Creston City Council 5/22/2023 – Ruth Bolinger and Mark Allcott spoke. A motion by Pottorff and second by Giovannetti to accept the complaint and deny the acceptance order and allow the Executive Director to work with the City to avoid this in the future. Approved, 5-3; yea – Corbin, Giovannetti, McHugh, Pottorff, Schmillen: Nay – Brietbarth, Lindahl, McCrea.
4. 23FC:0059 William Kreijanovsky - Chapter 22- Polk County 6/16/2023 – Donn Stanley spoke. A motion by Brietbarth and second by McCrea to approve the dismissal order. Unanimously approved, 8-0.
5. 23FC:0064 Julie Ann Madden - Both- Akron Care Center 6/19/2023 – A motion by Brietbarth and second by Pottorff to approve the dismissal order. Unanimously approved, 8-0.
6. 23FC:0068 Nolan McGowan - Chapter 21- Osceola County Board of Supervisors 6/22/2023 - A motion by Pottorff and second by McCrea to approve the dismissal order. Unanimously approved, 8-0.
7. 23FC:0070 Eric Henely - Both- Gilbert Community School District 8/22/2023 – Carrie Weber spoke. A motion by Breitbarth and second by Giovannetti to approve the dismissal order. Unanimously approved, 8-0.
8. 23FC:0074 Chad Miller - Chapter 21- Scott County Board of Review 7/18/2023 – Chad Miller and Tom McManus spoke. A motion by Pottorff and second by Corbin to approve the acceptance order. Unanimously approved, 8-0.
9. 23FC:0076 Stan Walk - Chapter 21- Mitchell County Economic Development Commission 7/21/2023 - A motion by Brietbarth and second by McCrea to approve the dismissal order. Unanimously approved, 8-0.
10. 23FC:0079 Steve St. Clair - Chapter 21- Winneshiek County Board of Supervisors 8/4/2023 - A motion by Brietbarth and second by Corbin to approve the dismissal order. Unanimously approved, 8-0.

**Matters Withdrawn. No Action -**

1. 23FC:0084 (Ginger Wander - Chapter 22- Elgin Library Board) 8/21/2023 - Withdrawn
2. 23FC:0062 (Chuck Morris - Chapter 21- Page County Board of Supervisors) 6/16/2023 - Withdrawn
3. 23FC:0089 Drew Barden - Chapter 22- City of Churdan 9/1/2023 - Withdrawn

**Pending complaints that required no board action. Informational**

1. 23FC:0044 Cliff Sheakley – Chapter 22 – Tama County Assessor – 3/31/23  
Pending Informal Resolution

2. 23FC:0053 Debra Schiel-Larson – Both Chapters – Indianola Community School District – 5/1/23 Pending Informal Resolution
3. 23FC:0060 Dina Raley - Chapter 22- Delaware County Sheriff 6/16/2023 - Information Gathering
4. 23FC:0063 Laurie Kramer - Chapter 21- City of Delhi 6/19/2023; & 23FC:0063 Greg Preussner – Chapter 21– City of Delhi - Pending Informal Resolution
5. 23FC:0065 Neetu Arnold - Chapter 22 – University of Northern Iowa 6/14/23 Pending Informal Resolution
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16. 23FC:0088 Concerned Citizen – Chapter 21 – O’Brien County Conservation Board – 8/28/23 – Information Gathering
17. 23FC:0090 Richard Radtke – Chapter 22 – City of Paulina 9/6/2023 – Information Gathering
18. 23FC:0091 Michelle Hillman – Chapter 21 – Grand Junction City Council 9/14/23 – Information Gathering

### **Committee Reports**

1. Communications – No report
2. Legislative – Input has been received from many people on the issue of potentially abusive conduct surrounding record requests The board discussed pros and cons. There was a consensus to move this discussion on by sending it back to the legislative committee for further discussion.
3. Rules – A meeting will be scheduled soon to review adopted advisory opinions

**Updates for the board.**

- a. Executive Director Report:
  - Updated case management system
  - Website change over is progressing
- b. Toresdahl shared the FY24 financials.
- c. Upcoming presentations –
- d. A district court case – No update.

The next IPIB meeting will be in the Wallace Building, **3rd Floor, E/W Conference Room**, October 19, 2023, at 1:00 p.m.

At 2:51 p.m. the meeting adjourned on a motion by Brietbarth and a second by Pottorff. Unanimously approved.

Respectfully submitted  
Brett Toresdahl, Deputy Director

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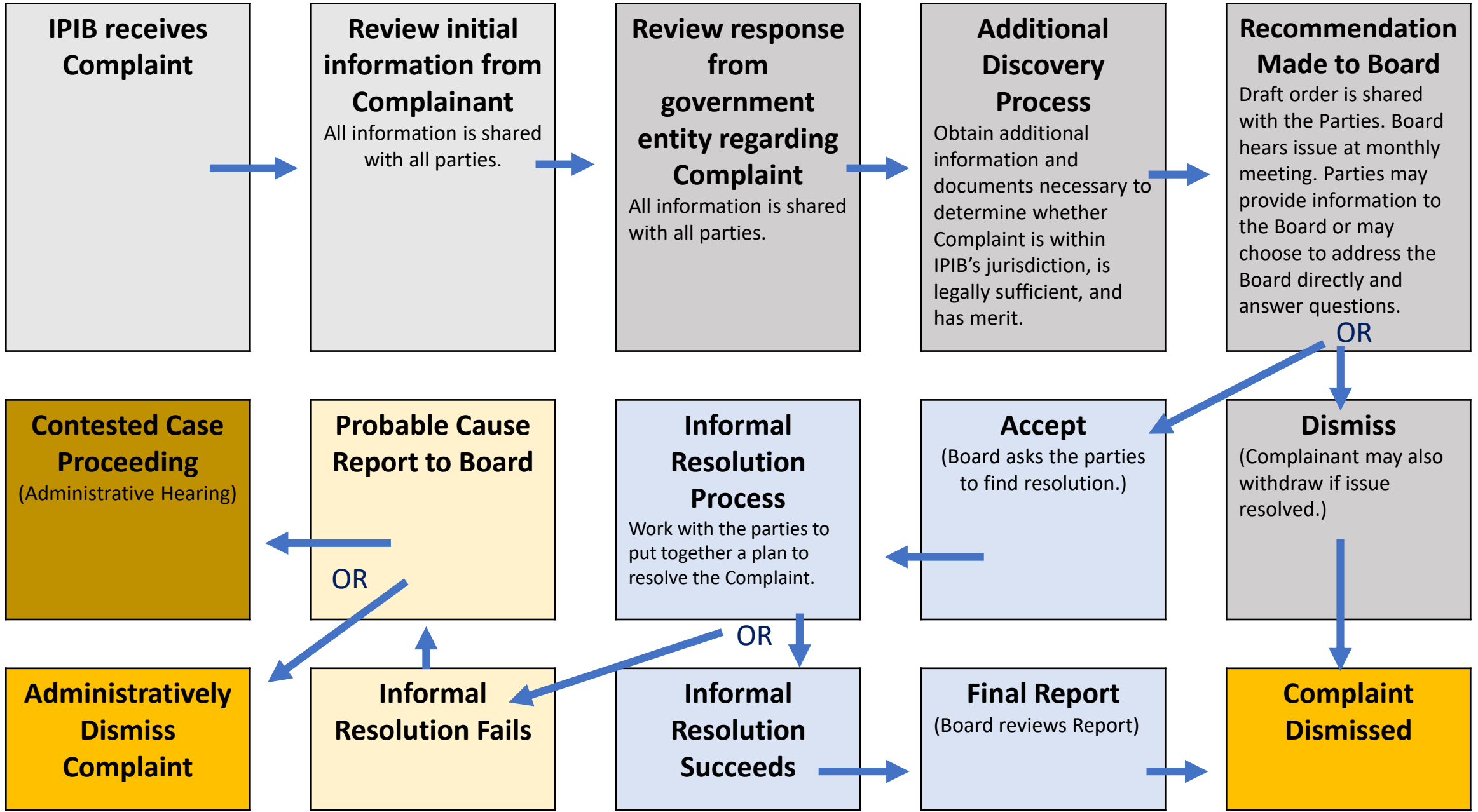
IPIB, Chair  
Approved

**Complaint Process before Board meetings-**

1. Board is sent all opened complaints
2. Board is sent draft opinions for consideration one week before the Board meeting and then the official agenda is finalized the Tuesday before the Thursday Board meeting.
3. See attached diagram of the Complaint process

**Process during Board Meetings-**

1. Executive Director provides a brief summary of the Complaint, the information gathered, the law, and a recommendation for the Board to accept or dismiss (or approve informal resolution, reports, or probable cause report).
2. Board Chair invites comments from the Complainant and Respondent.
3. Board is invited to ask questions and seek additional information from the participants.
4. Board makes a motion and seconds to – accept the recommendation, table the issue, or other action.
5. This is where the Board may want to consider allowing for additional Board comment or discussion before taking a vote.
6. Board votes on the motion.





## Before The Iowa Public Information Board

<p>In re the Matter of:</p> <p>Cliff Sheakley, Complainant</p> <p>And Concerning:</p> <p>Tama County Auditor, Respondent</p>	<p>Case Number: 23FC:0044</p> <p><b>Final Report &amp; Order</b></p>
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On March 31, 2023, Cliff Sheakley filed formal complaint 23FC:0044, alleging that the Tama County Auditor violated Iowa Code chapter 22. The Iowa Public Information Board accepted the formal complaint on May 18, 2023, and approved the informal resolution on July 20, 2023.

As of September 26, 2023, all terms of the informal resolution have been completed. It is recommended that the Board dismiss the complaint as successfully resolved.

Therefore, pursuant to the terms of the Informal Resolution, this complaint is dismissed as successfully resolved.

So Ordered on October 19, 2023:

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IPIB Chair

### CERTIFICATE OF SERVICE

This document was sent by electronic mail on October 11, 2023, to:

Cliff Sheakley  
Laura Kopsa, Tama County Auditor

# The Iowa Public Information Board

In re the Matter of:  Dina Raley, Complainant  And Concerning:  Delaware County Sheriff's Office, Respondent	Case Number: 23FC:0060  <b>Acceptance Order</b>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

On March 29, 2023, Dina Raley filed formal complaint 23FC:0060, alleging that the Delaware County Sheriff's Office (Sheriff) violated Iowa Code chapter 22.

### Background

On January 23, 2023, the complainant submitted identical public records requests to the Delaware County Attorney, the Delaware County Sheriff's Office, the Manchester Police Department, the Manchester Fire and Rescue Department, and the Earlville Fire and Rescue Department.

The requests were for records related to the death of Amy Mullis in 2018 and the subsequent investigation into Todd Mullis. The requests also noted specific reports and recordings that the complainant sought to obtain through the requests. After some initial back and forth between the complainant and the various government bodies to whom the requests were made, it became evident that the Sheriff was the lawful custodian of most of the records sought.

On February 28, 2023, the office manager for the Sheriff emailed the complainant the following message:

I have attached the recordings I have been authorized to release. Please be advised that there are no narratives from Mark Banghart, nor Jason White.

Also, we have no recordings between Greeley Fire EMS and Manchester EMS, other than what might be in the attached 911 call.

Attached to this email was a recording of the 911 call reporting Amy Mullis's death. This was the only record the Sheriff released, initially. The Sheriff did not explain what additional records existed, if any, and why they were being withheld, although the email alludes to the existence of additional records.

The complainant thanked the Sheriff for releasing the 911 call recording and asked whether there were additional records that were being withheld, and if so, for what reason. The complainant also asked for clarification regarding the potential existence of written EMS and fire reports and body camera recordings.

On March 16, 2023, the Sheriff replied to the complainant's email. The Sheriff ordered the complainant to submit documentation that she represented Todd Mullis and stated that it possessed two body camera videos that it had apparently withheld initially, but would now provide to Barry Law since "they filed an appearance." The Sheriff then stated that "any other communications or document requests will need to be requested by a law firm that has a current, up-to-date appearance on file representing Todd Mullis."

The complainant thereafter filed this complaint, alleging that the Sheriff had withheld records or otherwise refused to clearly state whether records existed and were being withheld, or did not exist. The complainant also alleged that the Sheriff had demanded evidence of representation in connection to the public records request.

The Delaware County Attorney provided the following statement in response to the complaint:

Initially, some of the information requested was not provided due to law enforcement exceptions to a public records request. As of this writing, I believe that everything requested and more have been provided as the requestor is representing Mr. Mullis in a Post Conviction Relief action related to his Murder conviction that allows more information to be provided than a typical public records request.

If there is something in particular they are requesting as a public record that is not subject to an exception and in possession of either office, we will gladly turn it over as always.

In order to meaningfully analyze whether a violation may have occurred, IPIB staff asked the County attorney to provide a brief description of the records that had been withheld and the reason for withholding them. The County Attorney responded:

This is ongoing criminal litigation. Never heard of a requirement to release this type of information in a public records request in my almost 30 years as a prosecutor. Considering the number of documents and time involved in your request, please assure us your office or Ms Raley will pay for the time involved regardless of what more needs to be produced.

### Analysis

The purpose of chapter 22 is “to open the doors of government to public scrutiny [and] to prevent government from secreting its decision-making activities from the public, on whose behalf it is its duty to act.” *Mitchell v. City of Cedar Rapids*, 926 N.W.2d 222, 229 (Iowa 2019). In order for chapter 22 to serve this purpose effectively, a government body must respond to requests for records clearly and unequivocally.

When a record is requested, that record either exists or does not exist. If a specific record is requested and does not exist, then the government body should state clearly that no such record exists.

If a public record exists, it must either be released or withheld as confidential. If a record or any part of a record exists and is withheld as confidential, the government body should, at the very least, state clearly that the record exists and is being withheld as confidential. Without such a statement, a requester has no way of meaningfully assessing whether her request has been complied with.

Here, the Sheriff failed to make such a statement. Even in the response to the complaint, it is still unclear which records actually exist and were withheld and which simply do not exist, if any. The response simply states that some records were withheld, but that now everything has been released, without referencing any records in particular.

Given the lack of clarity provided by the Sheriff, this complaint should be accepted as it appears a violation of chapter 22 could have occurred. Further, it appears that the Sheriff is confused about the distinction between public records requests and discovery, which generally have no bearing on each other. *See, e.g., Mitchell v. City of Cedar Rapids*, 926 N.W.2d 228, 236 (Iowa 2019) (stating “In *Mediacom*, we observed, ‘Iowa Code chapter 22 pertains to parties seeking access to government documents and ordinarily has no application to discovery of such information in litigation’,” and “The public records act is generally distinct from our discovery rules.”).

Conclusion

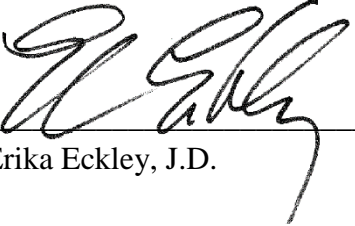
The complainant requested a number of records from the Sheriff. The Sheriff responded by providing three records. The Sheriff failed to state clearly which records, if any, were being withheld as confidential, and which simply did not exist. As such, it appears that a violation of chapter 22 could have occurred, and the complaint should be accepted for this reason.

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint meets those requirements.

IT IS SO ORDERED: Formal complaint 23FC:0060 is accepted pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



\_\_\_\_\_  
Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on October 12, 2023, to:

Dina Raley  
John Bernau, Delaware County Attorney

<p>In re the Matter of:  Laurie Kramer/ Greg Preussner, Complainant  And Concerning:  City of Delhi, Respondent</p>	<p>Case Number: 23FC:0063/23FC:0066    Informal Resolution Report</p>
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On June 13, 2023 Laurie Kramer filed formal complaint 23FC:0063, alleging that the City of Delhi (City) violated Iowa Code chapter 21 on June 12, 2023 at its city council meeting.

On June 19, 2023 Gary Preussner filed formal complaint 23FC:0066, alleging that the City of Delhi (City) violated Iowa Code chapter 21 on June 12, 2023.

Ms. Kramer and Mr. Preussner alleged that the City added two items to the Council’s agenda after it had been posted. They believe the items were controversial and that they may have been left off the agenda intentionally so citizens were not aware the issues would be addressed.

City Clerk DeAnna Hogan provided to the IPIB a copy of the posted agenda and a copy of the agenda used in the meeting with two hand written additions noted on it. She also provided a copy of the minutes for the June 12, 2023, Council meeting. Those minutes show that two items were added to the agenda and unanimously approved by the Council. The minutes also show that action was taken by Council on the two additional items. Ms. Hogan acknowledges that the two items were added to the agenda at the meeting.

Edward Henry, attorney for the City provided a response to the complaints. He acknowledged the two items were added to the agenda at the start of the meeting and not included on the tentative agenda previously posted. He stated the omission from the agenda was simply an oversight on the part of the clerk and not a deliberate act. Mr. Henry emphasized the actions taken during the meeting on these two issues did not need Council approval as the municipal code allows the Mayor to act to address nuisances within the city.

**Law**

**Iowa Code § 21.4 Public notice:**

1. ... a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the

governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. a. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

### **Analysis**

The City did not provide proper notice of the agenda of their meeting in a manner reasonably calculated to apprise the public of what would be addressed at the meeting. The City confirms two items that were not included in prior notice were added to the agenda. Action was taken on those items later in the meeting. The public was not provided knowledge about the potential for these items to be considered and so had no advance notice of the need to attend the meeting to observe these actions being considered.

IPIB staff also notes there is an additional notice violation. The posted notice did not list a time for the meeting, which is required in Iowa Code § 21.4(1). The City violated Iowa Code § 21.4 by failing to provide 24-hour notice of the agenda items to be considered.

Because both complaints are related to the same meeting and the same issue, they should be consolidated. Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. These complaints meet those requirements.

The formal complaint was accepted by the IPIB on August 17, 2023.

Pursuant to Iowa Code 23.9, the parties negotiated and reached an informal resolution. The parties agree to the following terms:

1. The City Council will acknowledge that there are sufficient facts to show that the notice and agenda of a meeting held on June 12, 2023 was insufficient pursuant to Iowa Code chapter 21.4. This acknowledgement shall be recorded in the minutes of said meeting.
2. The City shall conduct training during an open meeting for all council members and administrative staff on Iowa Code chapters 21 and 22 (Sunshine Laws). The Council shall work with City Attorney and the Iowa League of Cities to provide the training to the Council and officials.
3. The City Council shall approve this resolution during an open meeting and include the full text in the minutes of said meeting. Said minutes shall be provided to the IPIB.

The terms of this informal resolution will be completed within 60 days of acceptance by all parties. Upon showing proof of compliance, the IPIB shall dismiss this complaint as successfully resolved.

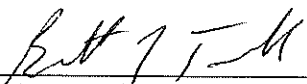
Ms. Kramer approved the informal resolution on September 14, 2023.

Mr. Preussner approved the informal resolution on September 18, 2023.

The Delhi City Council approved the informal resolution on October 9, 2023.

The IPIB Deputy Director recommends that the IPIB approve the informal resolution and authorize the IPIB Chair to sign the informal resolution on behalf of the IPIB.

By the IPIB Deputy Director

  
\_\_\_\_\_  
Brett J. Toresdahl



# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0069
Roger Hurlbert, Complainant	
And Concerning:	<b>Acceptance Order</b>
Montgomery County Assessor, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

### Background

On June 26, 2023, Roger Hurlbert (Complainant) filed formal complaint 23FC:0069, alleging that the Montgomery County Assessor's Office (Assessor) violated Iowa Code chapter 22.

On June 26, 2023, the complainant submitted a third request for a copy of an assessment data file from the Assessor. His previous requests had gone unanswered. At the same time, he filed this complaint complaining of the Assessor's delay and lack of response.

In response, the Assessor provided what the Complainant terms "a barebones file," which lacks the Computer Assisted Mass Appraisal data the Complainant desires. The Assessor stated in response that Vanguard, a private company, retains the CAMA data. Vanguard has failed to provide that data to the Complainant. The Complainant has now requested that the Assessor provide the CAMA data by making copies of its backup files. The files have as yet not been provided, either by Vanguard or the Assessor.

### Analysis

"A government body shall not prevent the examination or copying of a public record by contracting with a nongovernment body to perform any of its duties or functions." Iowa Code § 22.2(2).

The records requested must be produced unless they are being withheld because of confidentiality. The records at issue here still have not been produced, either by Vanguard or by

the Assessor via the backup records. As such, the complaint should be accepted to ensure that release of the records and compliance with chapter 22.

### Conclusion

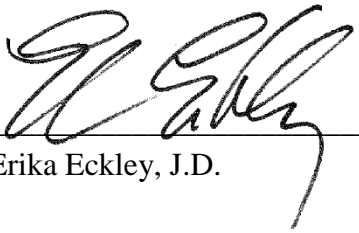
The complainant requested CAMA files from the Assessor. Vanguard, a private third party, holds the files for the Assessor. Vanguard has not produced the records. The Assessor has not produced the records. Therefore, the complaint should be accepted.

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint meets those requirements.

IT IS SO ORDERED: Formal complaint 23FC:0069 is accepted pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” IPIB will review this Order on October 19, 2023. Pursuant to rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### CERTIFICATE OF MAILING

This document was sent on October 12, 2023, to:

Roger Hurlbert  
Sharon Dalton, Montgomery County Assessor

# The Iowa Public Information Board

In re the Matter of:  Bradley Wendt, Terra Sell, and Shari Karnes, Complainants  And Concerning:  Adair City Council, Respondent	Case Number: 23FC:0071  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 12, 2023, Bradley Wendt, Terra Sell, and Shari Karnes (“Complainants”) filed formal complaint 23FC:0071, alleging that the Adair City Council violated Iowa Code chapter 21.

## Facts

Complainants allege that during a procedural hearing in federal court regarding criminal allegations involving Mr. Wendt, Adair Mayor Joann Byars admitted she recorded a closed session meeting of the City Council on her personal cell phone, took the recording home with her, and shared it with the public. The closed session occurred December 19, 2022, but the Complainants did not discover the violation until Ms. Byars testified at the court hearing on July 10, 2023.

Ms. Byars admits that she did record the closed session on her personal phone, but denies that she shared the recording with anyone. Her testimony under oath during the Kastigar Hearing in federal court included the following:

A: I believe the recording on my phone is the one from after the indictment.

Q. So that would have been December 19th?

A. I don't know the date. I'm sorry. It would be the one after the indictment.

Q. And did you ever check to see if the recorder -- the official City of Adair recorder did capture that meeting?

A. I did not.

Q. But you tried to use the recorder at that meeting; is that --

A. Yes.

Q. And then in addition to that, you used your personal cell phone?

A. Correct.

Q. Have you ever shared that recording with anyone?

A. No. I've never even listened to it myself.

Q. But you have this second copy of the recording on your cell phone; is that correct?

A. Yes, sir.

Q. Has anyone ever talked to you about that?

A. Like wanted to hear it?

Q. Just have you ever told anyone you had that?

A. Possibly. I don't know.

Q. Have you ever talked to anyone in law enforcement about that?

A. I'm sorry. I don't know.

Q. And is that on your current phone or in the old phone?

A. My old phone.

Q. And was that -- how did you record that? Did you put it on the table or --

A. Yes.

Q. Okay. So other people saw you were recording it?

A. If they looked, yes. It was on the table.”<sup>1</sup>

At the City Council meeting on July 12, 2023, the Council discussed a complaint filed against Mayor Byars regarding the recording.<sup>2</sup> Under questioning from Mr. Wendt regarding whether Ms. Byars released anything from the closed session to the FBI, Ms. Byars stated that she “mentioned the questions I asked.”<sup>3</sup>

### **Applicable Law**

Iowa Code § 21.5 requires that a “governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session.”

“The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection. . . . A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, except as otherwise required by law.” Iowa Code § 21.5(b)(1).

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<sup>1</sup> Hearing Transcript, Joanne Byars pages 118, line 19 – page 120, line 1.

<sup>2</sup> This referenced complaint was not the present Complaint because Complaint 23FC:0071 was not sent to the Adair City Council until July 18, 2023, and the Council meeting was July 12, 2023.

<sup>3</sup> July 12, 2023, City Council meeting available at:  
<https://www.facebook.com/1203096825/videos/1032595947910951/>

## Analysis

At the outset, it is important to restate that the Iowa Public Information Board has jurisdiction only over chapters 21 and 22 and public records. IPIB generally has no authority over criminal actions or the investigation of those actions.

In this case, Mayor Byars admits that she recorded the closed session on her personal cell phone, but has testified under oath that she has not listened to the recording or shared it with anyone, including law enforcement. She has also stated that she shared the questions that she asked Mr. Wendt following his indictment during the closed session.

Iowa Code § 21.5(b)(1) requires that all closed session audio recordings and minutes be sealed and not be open to public inspection or become public records.

Recording a closed session on a cell phone in addition to the city's official recording device is certainly not best practice. Ms. Byars has acknowledged this and it is expected that no one from the city will repeat it. Likewise, sharing portions of the discussion in closed session not directly related to an action being taken in open session is also improper and is not condoned or excused.

This is an unusual case, however, involving a federal criminal investigation into a city employee that hopefully is rarely repeated. There is no evidence that the audio recording itself was made "open to public inspection" or became a public record. Likewise, any information shared, such as Ms. Byars questions, was shared solely with law enforcement and not to the public as part of any public inquiry.

In this situation, based on the information as it is available, Ms. Byars likely exercised poor decision-making in her recording of the closed session and potentially in sharing her questions with law enforcement as it relates to chapter 21.<sup>4</sup> But, Mr. Wendt is ably represented by an attorney who is seeking the full remedies available to Mr. Wendt in his trial for any improper use of any information in any of the closed sessions held by the city. The federal district court judge is receiving full briefing and discovery regarding any legal implications of the use of any information.

Even if a violation potentially occurred under chapter 21<sup>5</sup>, the federal district court judge handling the pending criminal matter is better positioned to address any violations regarding the release of

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<sup>4</sup> Subpoenas were served on the city and officials and employees. It is beyond IPIB's scope to determine whether any of the information provided was appropriately part of the law enforcement information requested. IPIB is looking solely at the issue as it relates to chapter 21 and disclosure as a public record.

<sup>5</sup> If anything, it involves harmless error as it relates to chapter 21.

information. IPIB should defer any remedial actions to the federal district court process currently underway.

### **Conclusion**

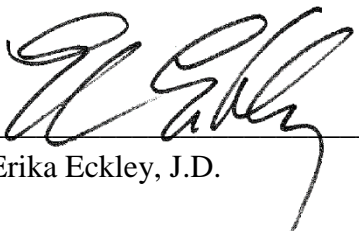
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

This situation comes to IPIB during an ongoing criminal matter and any remedies regarding the potentially improper use of information from a closed session is better addressed through the federal district court.

IT IS SO ORDERED: Formal complaint 23FC:0071 is dismissed as it involves harmless error pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on October 11, 2023, to:

Bradley Wendt  
Tara Sells  
Shari Karnes

City of Adair  
Clint Fichter

# The Iowa Public Information Board

In re the Matter of:  Less Grossman, Complainant  And Concerning:  Eastern Iowa Community College, Respondent	Case Number: 23FC:0075  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 3, 2023, Less Grossman filed formal complaint 23FC:0075, alleging that Eastern Iowa Community College (“EICC”) violated Iowa Code chapter 21.

## Facts

Mr. Grossman alleges that on July 3, 2023, EICC violated Chapter 21 when two employees removed executive closed session records from the Board of Directors meeting from a locked drawer and took the minutes into the chancellor's office to review what was discussed in the closed session.

In response, EICC agrees that the minutes from the closed session were removed briefly from their location, but were quickly returned and no public disclosure of the closed session minutes were made. Specifically, EICC stated that in June 2023, the Board of Directors held a meeting that included a closed session. This session included an evaluation of Chancellor Sonya Williams. That meeting was properly held pursuant to Iowa Code Chapter 21, with minutes prepared after the meeting by the Board Secretary, Honey Bedell. Ms. Bedell retired on June 30, 2023.

Prior to her last day, Ms. Bedell provided the minutes and recordings of the closed session to the next Board Secretary, Valerie Morrow, to obtain the Board President's signature on the minutes when he returned from being out of town.

On July 3, 2023, Board President, Robert H. Gallagher, learned of a possible disclosure of the Board minutes. He conducted a prompt investigation by interviewing the administrative staff,

Suteesh Tandon, and Dr. Williams. He learned the minutes were requested only for a few minutes and then returned to their locked location with no further disclosure.

Dr. Williams resigned effective July 31, 2023.

### **Applicable Law**

Iowa Code 21.5(5)(a)(1) requires “The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection.” Iowa Code § 21.5(6) allows the government body to determine whether to hold a closed session. “Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.” *Id.*

Sealing the record of a closed session serves only “to deny access to inspection by members of the general public.” *Tausz v. Clarion-Goldfield Cmty. Sch. Dist.*, 569 N.W.2d 125, 127 (Iowa 1997). “Had the General Assembly intended a prohibition of disclosure applicable to all persons, including board members, it could have simply provided that the detailed minutes and tape recording of a closed session shall be sealed ‘and shall not be open to inspection’ absent a court order.” No. 01-11-1(L), 2001 WL 1651411, at \*4 (Iowa A.G. Nov. 19, 2001).

### **Analysis**

In this situation, there appeared to be a potential disclosure of closed session minutes to an internal executive employee or employees. There was no public disclosure of the minutes of the closed session contrary to Iowa Code § 21.5. While it was inappropriate for the employee to review the minutes even for a short period of time, an internal investigation occurred promptly addressing the issue and the minutes were promptly sealed and secured. No improper public disclosure was made of the information, so any harm was de minimis and has been addressed.

### **Conclusion**

Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

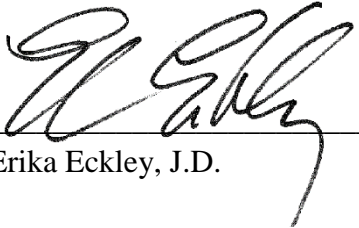
Any disclosure of the closed session minutes was internal and extremely limited. The minutes were not disclosed to the public.

IT IS SO ORDERED: Formal complaint 23FC:0075 is dismissed as it involves harmless error pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).



Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on October 11, 2023, to:

Less Grossman  
Mikkie Schiltz

## The Iowa Public Information Board

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In re the Matter of:	Case Number: 23FC:0087
Travis Scott, Complainant	Dismissal Order
And Concerning:	
O'Brien County Conservation Board, Respondent	

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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On July 23, 2023, Travis Scott filed formal complaint 23FC:0087, alleging that O'Brien County Conservation Board ("OCCB") violated Iowa Code chapter 22.

### Facts

In his complaint, Mr. Travis alleged the following:

I was employed with O'Brien county conservation board for almost 2 years, 6 months after I was hired the conservation board hired the board chair's private attorney to handle 'HR issues'. At that time there was an employee who had filled a severance request so it made sense to hire an hr attorney. I found out much later that 2 of the conservation board members were discussing HR issues pertaining to me with this attorney and that they likely had her write up termination paperwork. They didn't terminate me, never wrote me up out even brought complaints directly to me, only to people around me about me.

I filed an information request for communication and my own personnel information. The county wants to charge me \$447 for the communication between board members, which is excessive and they have declined to give me my own personnel information. I feel it odds [sic] only right for me to know what claims they were making against me since they never brought them to me.

In response, OCCB stated that Mr. Travis made the following request for public records:

- All O'Brien County conservation related communication including emails (public and private email accounts) text message, voice recordings and written communication from January 12, 2022 to today's [sic] date 6/2/2023.

- This request includes any communication to or from the following county officials:

Tom Konz, Greg Bermakow, Dan Verrips, Dennis Vanden Hull, Nancy McDowell, Dan Friedrichsen, Rachel Becker, Katie Morgan.

- All communication that pertains in any way to Travis Scott between any of the above stated individuals, to or from Allyson Dirksen of Hiedman Law firm. This is to include any documents Ms. Dirksen has developed, any notes from phone calls, text messages, emails or any written communication from January 12, 2022 until 6/2/2023.

In responding to the request, OCCB outlined the following costs time and costs for a total cost of \$447.04 for 380 emails and text messages retrieved and reviewed from the individuals during the 18-month period requested:

- 8 hours of IT Department with the first 30 minutes free (\$234.47 (\$31.26/hr.));
- Conservation staff- 1 hour at \$33/hr.;
- county attorney intern 10 hours (\$130 (\$13/hr.));
- county attorney 1 hour at \$49.67

Upon receiving the amount to be charged, Mr. Scott sought clarification regarding whether he would be receiving the communications to or from Ms. Dirksen of the Hiedman Law Firm in response to his request. He was told that communications between the parties and their attorney would not be disclosed as they are protected by attorney-client privilege.

In essence, Mr. Scott's complaint involves two inquiries:

1. the reasonableness of the fees charged for the records requested; and
2. whether attorney-client records can be withheld when they are alleged to be related to his employment, but never provided or utilized during his tenure with the OCCB.

### **Applicable Law**

In fulfilling a records request, a government entity is entitled to charge for the actual costs of fulfilling the request. "All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. . . . Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information." Iowa Code § 22.3(2).

“A practicing attorney . . . shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the person in the person’s professional capacity, and necessary and proper to enable the person to discharge the functions of the person’s office according to the usual course of practice or discipline.” Iowa Code § 622.10(1).

“A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b) or required by paragraph (c) [neither of which relate to this issue]. . .” Iowa R. Prof. Resp. 32:1.6(a).<sup>1</sup>

### **Analysis**

In reviewing the reasonableness of the fees charged for the records request, it is necessary to determine whether the fees are reasonable and represent the actual costs of completing the request. OCCB provided email exchanges ensuring there was clarity regarding the scope of the request from Mr. Scott. He confirmed that he was seeking 18 months of communications between eight individuals to include personal and public emails, texts, voicemails, or any other documents available. This request took some time to compile, for which IT services were utilized. There were ultimately 380 emails and text messages identified. These were reviewed initially by an intern at the county attorney’s office at \$13 an hour, which is not an unreasonable rate. The county attorney charged only her time for actual redaction or review of documents identified as confidential.

The fee OCCB charged Mr. Scott for his request is in line with fees IPIB has found to be reasonable in previous complaints.<sup>2</sup> The fee is based on the hourly compensation rates of the employees who worked on the request. The types of employees who worked on the request and the amount of time they spent completing it are reasonable given the nature and scope of the information requested. Thus, there is no violation under Iowa Code Chapter 22, as the fee OCCB charged appears to be reasonable and based on actual costs.

In regards to whether records could be held as confidential under attorney-client privilege, it is important to determine whether the privilege existed and if so, whether there was any consent to the release of the documents. First, Mr. Scott acknowledged in his complaint that there was an

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<sup>1</sup> Attorney-client communications are confidential under Iowa Code sections 622.10, the rules of evidence, the Code of Professional Responsibility, and case law. IPIB has continuously recognized the exemption of attorney-client privileged documents when reviewing public records requests.

<sup>2</sup> 22FC:0024 at <https://ipib.iowa.gov/22fc0024-jacob-hallinn-mar-school-district-dismissal-order> (\$652 in fees for related documents were approved as actual costs on 57 pages of released records); 21FC:0029 at <https://ipib.iowa.gov/21fc0029-deanna-triplettcity-polk-city-dismissal-order> (\$635 for two years of email records approved as reasonable); 19FC:0074 at <https://ipib.iowa.gov/19fc0074-abby-sojkahighland-community-school-district-dismissal-order> (\$697 for 20 hours of time to pull categories of records requested and to review, found not unreasonable).

attorney-client relationship between the Board members and Ms. Dirksen of the Hiedman Law Firm. He also acknowledged that the attorney-client communications, even if they related to him or his position with OCCB, were never shared with him. Because the communications were within the scope of attorney-client privilege, no communications were ever disclosed to Mr. Scott, and there is no evidence of any informed consent to disclose the communications, there is no Iowa Code Chapter 22 violation in withholding as confidential attorney-client communications even if they may have concerned Mr. Scott or his employment.

### **Conclusion**

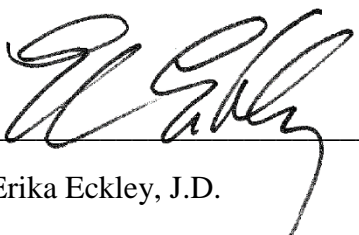
Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

The fees charged for identifying, collecting, and reviewing 18 months of communications between eight individuals associated with OCCB totaling 380 emails and text messages were based on actual costs and reasonable. Further, IPIB has consistently recognized that attorney-client privileged documents are confidential under Iowa Code Chapter 22.

IT IS SO ORDERED: Formal complaint 23FC:0087 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

### **CERTIFICATE OF MAILING**

This document was sent on October 11, 2023, to:

Travis Scott

Katie Morgan, county attorney

**The Iowa Public Information Board**

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<p>In re the Matter of:</p> <p>Concerned Citizen, Complainant</p> <p>And Concerning:</p> <p>O'Brien County Conservation Board, Respondent</p>	<p>Case Number: 23FC:0088</p> <p>Dismissal Order</p>
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On August 28, 2023, Concerned Citizen filed formal complaint 23FC:0088, alleging that O'Brien County Conservation Board ("OCCB") violated Iowa Code chapter 21.

**Facts**

Concerned Citizen filed this complaint alleging that after adjournment of the meeting, while still at the table, board members had a long discussion with staff. The information discussed was not included in the minutes of the meeting. He also alleged that the board members attended the Bison Burger Picnic, a county-sponsored event without posting an agenda or notice that they would all be attending. He alleges that these two issues were both discussed, less than a month prior, at their training for previous violations of open meetings laws.

In response, OCCB stated that there was an error in the distribution of a draft agenda for the meeting and a discussion item was skipped inadvertently during the meeting. Immediately following adjournment there was a brief discussion on when the next meeting was to be held and the process for setting up an interview with applicants for the open Director position. This discussion was held with all meeting attendees still around the table. The publicly posted minutes of the August 9, 2023 OCCB meeting were unofficial, but were corrected to include the missing discussion item and approved at the next OCCB meeting on September 13, 2023. In addition, after the meeting three board members spent a few minutes praising staff for a job well done on presenting during the meeting and on the improvements to the park in which the meeting was held. This discussion was held as meeting attendees were dispersing or having other conversations.

In regards to the attendance at the picnic, OCCB stated that the event was not a meeting as defined under Iowa Code § 21.2, so no notice or agenda was required.<sup>1</sup> OCCB further clarified that the Bison Burger Picnic is a social and fundraising event sponsored by the Little Sioux Valley Conservation Association. OCCB supports and hosts the event at OCCB's Prairie Heritage Center as a partner. The board members attended as volunteers either for different services provided or as attendees to the event. An estimated 400 people attended the event.

### **Applicable Law**

“Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.” Iowa Code § 21.3.

“‘Meeting’ means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.” Iowa Code § 21.2

The Iowa Attorney General provided an analysis of this code section (previously codified as section 28A.2(2)) in the Stork to O’Kane opinion, 1981 WL 178383 (July 6, 1981). The Attorney General opinion stated that for a meeting to occur, four elements must be found:

1. A gathering of members of the governmental body, formal or informal, occurs;
2. A majority of the members of the governmental body are present;
3. Deliberation or action occurs; and
4. And such deliberation or action is within the scope of governmental body’s “policy-making duties.”

The opinion provides additional guidance to define deliberation or action, stating that deliberation is intended “to have broad application and to include general discussion and/or consideration of matters preliminary to final decision making.” “Ministerial” gatherings only include those gatherings when the purpose of the gathering is “without regard to or the exercise of ... judgment.”

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<sup>1</sup> During the training conducted by Erika Eckley on behalf of IPIB there was considerable discussion about best practices and a recommendation to provide notice that the board members would attend the Bison Burger Picnic but that no business would be conducted. This was to ensure transparency and openness in the process by the Board. There was also discussion about ensuring that there was no discussion among board members during the event to ensure there were no violations or perceived violations of chapter 21. It is disappointing that after the discussion of this specific incident, OCCB chose not to provide the notice resulting in at least a portion of this Complaint being filed.

## **Analysis**

The first portion of this complaint is that an agenda item was missed during the meeting, but addressed after the meeting had been adjourned and that the discussion did not appear in the posted, unofficial minutes. Iowa Code chapter 21 is silent as to whether an inadvertently missed agenda item can be addressed immediately following adjournment, but while all members are still present at the table. Iowa Code § 21.4(3)(a), however, allows for the continuation of a meeting without an additional 24-hours' notice for a "meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda." In this case, the discussion occurred immediately following adjournment in the same place and roughly the same date and time as the adjourned session. The discussion included an agenda item that was on the noticed agenda, but had been skipped. The discussion item was included in the official minutes. If there was any error in addressing the missed agenda item immediately following adjournment, it was harmless error and resolved quickly while everyone was still present.

In regards to three board members involved in providing positive feedback to staff following their presentation and their work at the end of the meeting, there is no a violation of Iowa Code chapter 21 because this is not a discussion involving deliberation of the Board.<sup>2</sup>

Likewise, the Board's attendance at the Bison Burgers Picnic was merely ministerial and did not constitute a meeting in violation of Iowa Code Chapter 21. In reviewing the requirements to establish a meeting occurred, specific elements are absent in this scenario. In reviewing the facts, it is established that a majority of the Board did gather at least informally at the picnic, but there is no evidence that the Board undertook any deliberation or action while they attended or volunteered at the event. Without deliberation or action taken, the gathering was ministerial or social in nature, and a meeting did not occur. Without a meeting, there was no notice required and no violation.

## **Conclusion**

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

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<sup>2</sup> Previously, a complaint against OCCB was accepted when three board members were deliberating over specific issues expressly within their policy-making duties. See 23FC:0035 at <https://ipib.iowa.gov/23fc0035-concerned-citizenobrien-county-conservation-board-acceptance-order>. This situation, however, is more akin to discussion at the end of a Board meeting that is not directly related to deliberation and policy-making. See 23FC:0068 <https://ipib.iowa.gov/23fc0068-nolan-mcgowanosceola-county-board-supervisors-dismissal-order> (finding no violation for sharing gossip not related to the Board's policy-making duties).




Neither the discussion regarding a missed agenda item immediately following the adjournment of the meeting that was handled in the open and included in the official minutes of the meeting; three Board members involved in providing positive feedback to staff at the conclusion of the meeting; nor attendance of the Board at a social event were violations of Iowa Code Chapter 21.

IT IS SO ORDERED: Formal complaint 23FC:0088 is dismissed as it is legally insufficient pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



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Erika Eckley, J.D.

#### CERTIFICATE OF MAILING

This document was sent on October 11, 2023, to:

Concerned Citizen  
Katie Morgan, county attorney

# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0090
Richard Radtke, Complainant	
And Concerning:	<b>Dismissal Order</b>
City of Paullina, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

## Background

On September 6, 2023, Richard Radtke (“Complainant”) filed formal complaint 23FC:0090, alleging that the City of Paullina (“City”) violated Iowa Code chapter 22.

The complaint’s allegations are quoted below in their entirety:

On July 6, 2023 between 6:00 and 6:30pm Mayor Kruse followed Jay Jones, Councilperson and Mari Radtke, reporter out of Paullina city hall. She began videoing with her cell phone as she exited building. From City of Paullina security video she followed Radtke around corner north out of view of the security camera for about 1:30 minutes. Her shadow back into view and is visible placing the phone into her back pocket. Kruse heads toward city hall doors but stops, turns toward Jones in running vehicle and makes gesture to Jones directing him to drive away. (She pointed south.) Then gave a thumbs up toward Jones.

Kruse did provide from her cell phone 3-4 second video including sound of her saying, "This way. [giggle] Jay goes the opposite way." The video from her cell phone shows Jones backing out and heading south. VIOLATION: Kruse denies the first video exists.

In response to the complaint, the City submitted an affidavit signed by Mayor Kruse. In the affidavit, Mayor Kruse states that she took a picture of Councilmember Jones and Mari Radtke and then took a short video clip of Jones driving away. Both the picture and the video were released to the Complainant.

### Analysis

The Complainant appears to believe that the Mayor recorded the entire scene described in the complaint. Thus, the Complainant believes that a video longer than the one that was released exists and should also have been released.

The fact that the Mayor was handling her phone does not mean, perforce, that she was using it to record a video. There are any number of things the Mayor might have been doing with her phone during that time other than recording a video. The Mayor stated in her response what records she created with her phone during that time, and those are the records that were released to the Complainant.

### Conclusion

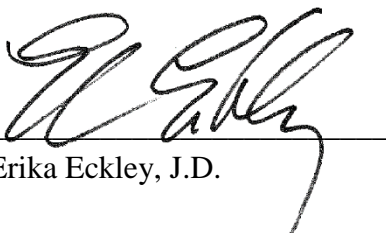
The City released the video and picture that the Mayor took. The Complainant's allegation that a second video exists is unsupported by the facts and is contradicted by the Mayor's sworn statements. Therefore, the complaint lacks merit and should be dismissed.

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 23FC:0090 is dismissed as legally insufficient. pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on October 11, 2023, to:

Richard Radtke, Complainant

Tisha Halverson, attorney for the City of Paullina

## **Marcus News, Inc.**

In re the Matter of:

Richard Radtke, Complainant

And Concerning:

City of Paullina, Respondent

Case Number: 23FC:0090

Dismissal Order

Specifically addressing the analysis of this complaint, it is unknown how a partial description video contents was obtained, let alone analyzed. To support that any person following others, took a still picture of the subjects and continued to follow one of those subjects just to "watch" while only "handling" the phone during all of this is an unreasonable conclusion.

A careful analysis of the video would find at 6:16.29 the mayor can be seen with her phone and in a position to be videoing the movements of Councilman Jay Jones. The mayor's body disappears from view at 6:16.30, turning in the direction the reporter walked and with her shadow remaining in view until 6:16.33. She remains out of view, and according to her statement "watching" a reporter until she comes back into view at 6:17.58. At 6:17.58-59 she clearly places her cell phone into her back pocket. To believe she only "watched" while "handling" her phone for more than a minute and a half is not reasonable.

According to the mayor's sworn statement:

- 1) The mayor followed her subjects outside, presumably without their knowledge.
- 2) The mayor acknowledges taking a photo of her subjects, again, presumably without their knowledge.
- 3) The mayor follows and watches one of her subjects while handling the device she admittedly used to take a picture seconds prior.

- 4) The mayor returns the device she used to take a picture to her pocket upon ceasing to "watch" one of her subjects.
- 5) The mayor comes back into camera view, removes her device from her back pocket at 6:18.04, five seconds after ceasing to "watch" one of her subjects, and video-records subject councilman while directing him to drive in the opposite direction.

The conclusion of IPIB is not reasonable given the facts of a close analysis of the video taken on City of Paullina surveillance. A close analysis of the evidence, not the sworn statement of the mayor, calls for further investigation.

Please accept and closely view as part of the facts IPIB is to review, the video from the city's surveillance camera. I ask that you pay particular attention to the actions taken and at times noted.

Sincerely,

/s/ Richard Radtke

Marcus News, Inc.

# The Iowa Public Information Board

In re the Matter of:	Case Number: 23FC:0091
Michelle Hillman, Complainant	
And Concerning:	<b>Acceptance Order</b>
Grand Junction City Council, Respondent	

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

## Background

On September 14, 2023, Michelle Hillman (“Complainant”) filed formal complaint 23FC:0091, alleging that the Grand Junction City Council (“City Council”) violated Iowa Code chapter 21.

The Grand Junction City Council consists of five members: Ken Madsen, Paula Hoskinson, Dennis Jacobs, Lora Lyons, and the Complainant, Michelle Hillman. The Complainant alleges that on September 12, 2023, council member Paula Hoskinson, “called or texted three other council people to vote on hiring Kelly Beaman to clean out manholes within the city.”

The complaint implicitly alleges that these communications between council members regarding the hiring of a city employee constituted a meeting of the council that did not comply with the public notice, open session, and minute keeping requirements of chapter 21.

In response to the complaint, the mayor and other council members submitted letters detailing their version of the events leading up to the alleged violation. Grand Junction is in the process of making DNR-mandated updates to its sewer system. As the first step in this process, the City hired a company to clean and televise the sewer lines. The company required that the City locate and remove each manhole cover prior to the cleaning. Each manhole cover that was not removed would result in an additional fee of \$350 for removal by the company.

Grand Junction employs one city maintenance employee, who resigned shortly after the City began locating and removing manhole covers. At its regular meeting on September 11, 2023, the City Council discussed the need to hire a new employee to ensure completion of the project and avoid

incurring additional fees. A special meeting was scheduled for September 13, at which time the City Council was to make a hiring decision by vote.

In the interim, council member Paula Hoskinson continued locating and removing the manhole covers herself. On September 12, 2023, Hoskinson contacted the mayor to discuss potential candidates. Kelly Beaman, a local contractor, was identified as someone who might be willing and able to take over the project on short notice. After her conversation with the mayor, Hoskinson contacted council members Jacobs and Madsen, separately, to discuss the same. She then contacted Kelly Beaman and confirmed his interest in the job.

Later that day, council member Lyons called Hoskinson and asked for an update on potential candidates. The following day, September 13, 2023, the City Council convened its special meeting. The Complainant alleged that at the meeting, Hoskinson stated that she, Jacobs, Madsen, and Lyons had “already voted” to hire Beaman to complete the project.<sup>1</sup> The Complainant further alleged that when she asked why she had been excluded from this vote, Hoskinson stated that the Complainant “has an attitude problem” and that she should have contacted Hoskinson if she wanted to participate in the decision making.

### Analysis

Chapter 21 governs meetings of governmental bodies. A “meeting” of a governmental body occurs when a majority of the members of the body gather to deliberate or act upon any matter within the scope of the governmental body's policy-making duties. Iowa Code § 21.2(2). Such meetings must comply with the public notice, open session, and minute keeping requirements of chapter 21.

The intent of chapter 21 is to ensure “that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people. Ambiguity in the construction or application of this chapter should be resolved in favor of openness.” Iowa Code § 21.1.

In *Telegraph Herald, Inc. v. City of Dubuque*, the Iowa Supreme Court held that interviews conducted by city council members with fewer than a majority in attendance at each interview did not constitute a meeting subject to chapter 21. 297 N.W.2d 529, 533-34 (Iowa 1980) (“Activities of a governmental body's individual members to secure information to be reported and acted upon at an open meeting ordinarily do not violate sunshine statutes. Any other rule would hamstring the progress of governmental bodies, and impose intolerable time burdens on unpaid officeholders.”) In that case, however, the council was following legal advice, there was no evidence that deliberations were done in temporal proximity, and no decision-making was made prior to the meeting of the full government body. *Id.*

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<sup>1</sup> Hoskinson did not deny this allegation when the Complainant brought it to the attention of IPIB staff.



In *Shull v. Hutchison*, the court found that utilizing the city administrator as a proxy to deliberate outside a formal meeting was a violation. 878 N.W.2d 221, 232–33 (Iowa 2016). In *Shull*, however, the county board included only three members, so whenever the administrator met with a supervisor, a majority was effectively meeting. Further, there was no dispute that the members collectively deliberated on issues within their policy-making responsibilities. *Id.*

It appears that the vote that Hoskinson referenced occurred through a series of individual conversations between Hoskinson and each of the other three council members. The serial nature of these conversations makes it ambiguous whether a meeting technically occurred. The situation seems to be a cross between *Telegraph Herald* and *Shull*.

The Grand Junction City Council is a five-member body, meaning that three members constitute a majority. Individual phone calls with one other member of the council would not constitute a majority, but Hoskinson’s phone calls with each to deliberate the question of hiring Mr. Beaman and gather their affirmative votes prior to the official meeting is troubling. In addition, Hoskinson openly stated during the September 13 meeting that she, Jacobs, Madsen, and Lyons had “already voted” to hire Mr. Beaman for the project. This constitutes a majority of the council taking action upon a matter within the scope of the City Council’s policy-making duties.

“Ambiguity in the construction or application of this chapter should be resolved in favor of openness.” Even if a meeting may not have technically occurred because of the serial nature of the conversations, Hoskinson clearly believed that the conversations amounted to a vote by the majority on the very issue that was supposed to be decided at the September 13 public meeting.

### Conclusion

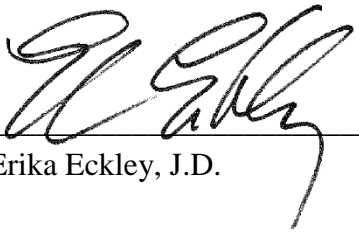
While the conversations between the four council members were serial in nature, Hoskinson openly stated that a majority of the City Council had already voted on the issue that was supposed to be discussed and voted upon openly at the September 13 meeting. This shows that the serial phone calls amounted to deliberation and decision-making of a majority of city council members in secret rather than during the scheduled open meeting where the public could be privy to the deliberation and decision-making. Ambiguity in the construction and application of chapter 21 is to be resolved in favor of openness. Accordingly, the complaint should be accepted.

Iowa Code § 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. Following a review of the allegations on their face, it is found that this complaint meets those requirements.

IT IS SO ORDERED: Formal complaint 23FC:0091 is accepted pursuant to Iowa Code § 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on October 12, 2023, to:

Michelle Hillman.  
Wendi Tolan, City Clerk

## The Iowa Public Information Board

In re the Matter of: Pamela Jo Brodie-Fitzgerald, Complainant And Concerning: City of Marquette, Respondent	Case Number: 23FC:0092  Dismissal Order
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COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order.

### Facts

Pamela Jo Brodie-Fitzgerald filed formal complaint 23FC:0092 on September 19, 2023, alleging that the City of Marquette violated Iowa Code chapter 21 on February 14, 2023.

Ms. Brodie-Fitzgerald alleged that this complaint centers around the process the City of Marquette and its council members used to “take over” the 4<sup>th</sup> of July celebration from American Legion Post #305. On February 10, 2023, the City of Marquette posted an event on their Facebook page. She states that the Council held a special meeting regarding the celebration at 5:30 pm on February 14, 2023, and no minutes were taken. She also adds that no one contacted any Legion member about attending the meeting. The American Legion Post had previously organized the celebration.

Ms. Brodie-Fitzgerald lists the Legion’s following issues in her complaint about the City’s action:

1. Change in parade time.
2. Allowing other food vendors while the Legion has their food stand open.
3. Not being given a say in any of the changes.
4. The “behind closed doors” way of the City and Council.
5. The serious impact on the only fundraiser of the Legion.
6. There is no record of who, when, and why changes were made to the celebration.
7. The monetary impact on local businesses.

Stephen Weipert, Mayor of Marquette provided a response on behalf of the City. He states that the City did not violate Iowa Code chapter 21. The planning for the 4<sup>th</sup> of July celebration begins in October/November of the previous year when the City’s event calendar is being prepared. The event calendar is not something that is approved by Council. There was no change to the Legion portion of the celebration. The Mayor reports that the city had been in contact with Ms. Brodie-Fitzgerald at various points leading up to the celebration.

Mayor Weipert responded that at the February 14, 2023, Council meeting, a special planning session was added to the February agenda. The agenda was posted in accordance with Iowa laws and in a manner as all other meetings. During this special session regarding the celebration, ideas were discussed but there was no formal action taken. He believes that the misunderstanding of this matter was due to a lack of communication.

### **Law**

Iowa Code §21.4(1)(a): *...a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information.*

Iowa Code §21.4(2)(a): *...notice conforming with all of the requirements of subsection 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.*

### **Analysis**

IPIB staff reviewed the agenda and minutes of the February 14, 2023, meeting. It determined that there was sufficient information provided on the agenda to understand that the Council would be meeting at 5:30 p.m. to have a “July Celebration Planning Session.” The code does not require additional details to be included. The minutes of that meeting were also reviewed and they include the time, date, those in attendance, and the subject matter that was discussed.

In addition, staff reviewed minutes from October 24, 2022, that included a discussion of possible changes to the July Celebration. The City of Marquette did not violate Iowa Code chapter 21.

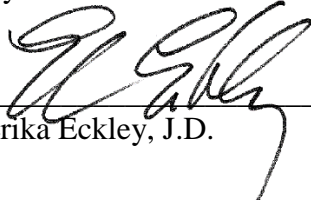
### **Conclusion**

Iowa Code section 23.8 requires that a complaint be within the IPIB’s jurisdiction, appear legally sufficient, and could have merit before the IPIB accepts a complaint. This complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 23FC:0092 is dismissed as legally insufficient pursuant to Iowa Code section 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b). The City did not violate any open meeting code section.

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may “delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board.” The IPIB will review this Order on October 19, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director

  
\_\_\_\_\_  
Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent by electronic mail on the October 11, 2023, to:

Pamela Jo Brodie-Fitzgerald  
Stephen Weipert, Mayor, City of Marquette



Toresdahl, Brett <brett.toresdahl@iowa.gov>

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## Iowa Public Information Board complaint 23FC:0095

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ehawk@ottumwacourier.com <ehawk@ottumwacourier.com>  
To: "Toresdahl, Brett" <brett.toresdahl@iowa.gov>  
Cc: dan.maeder@dcmustangs.com

Tue, Oct 10, 2023 at 12:38 PM

Hi Brett,

Yes, Mr. Maeder's response includes the public records I am seeking. I'd like to withdraw my complaint with the IPIB.

Thank you both,

Emily

--

**Emily Hawk**

Associate Editor, Oskaloosa Herald + Ottumwa Courier

[ehawk@oskyherald.com](mailto:ehawk@oskyherald.com)

Oskaloosa Office: 641-672-2581

Ottumwa Office: 641-684-4611

Cell: 641-895-5302

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Dashboard  
**Board Dashboard**

Dashboard for Board Meetings

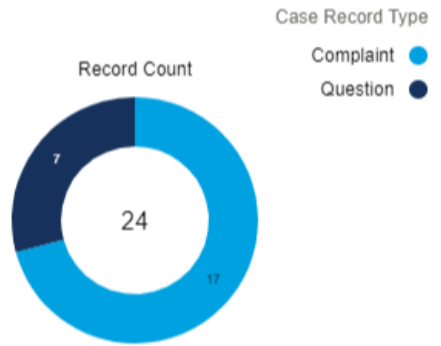
As of Oct 16, 2023 9:42 AM-Viewing as Erika Eckley

Active Cases Report

33

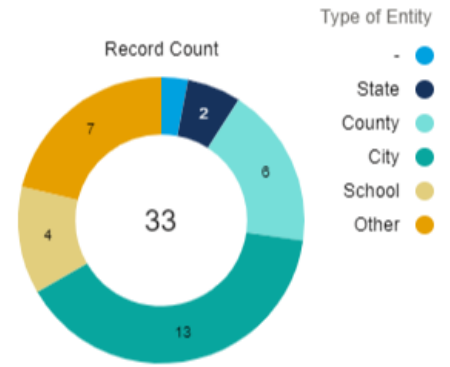
[View Report \(Active Cases Report\)](#)

New complaints &/or question last 31



[View Report \(New complaints &/or question last 30 c](#)

Cases by Entity



[View Report \(Cases by Entity\)](#)

Active Questions Report

2

[View Report \(Active Questions Report\)](#)

Broad Type (Filed in Current



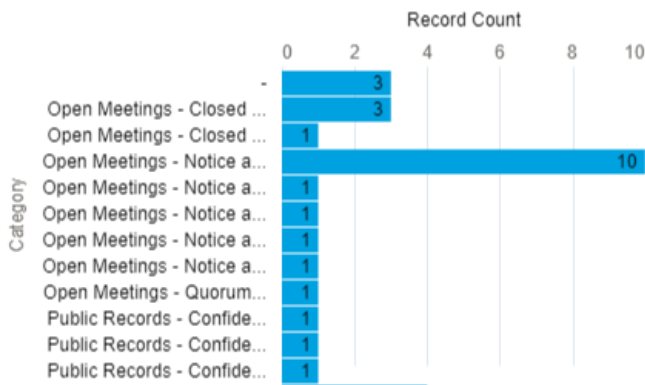
[View Report \(Broad Type \(Filed in Current\)](#)

Closed cases 2023



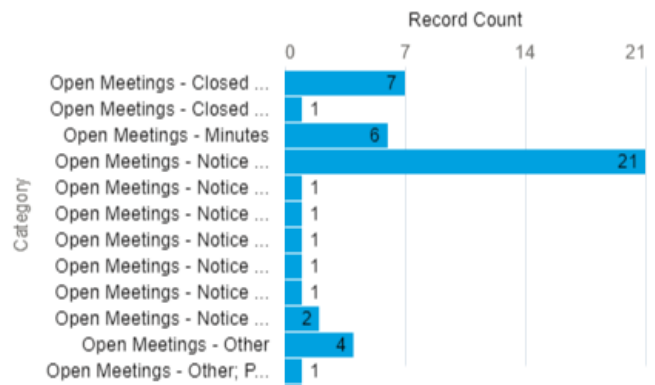
[View Report \(Closed cases 2023\)](#)

Cases by Type (Active)



[View Report \(Cases by Type \(Active\)\)](#)

Cases by Type (Current Year)



[View Report \(Cases by Type \(Filed in Current Year\)\)](#)

# Public Records Request

Standard form to request public records



\* Indicates required question

1. Date of Request \*

Example: January 7, 2019

2. First and Last Name

3. Street Address

4. City, State Zip Code

5. email address

6. telephone number

7. How do you prefer to be contacted if there are any questions or need to communicate regarding your request? \*

Mark only one oval.

Email

Telephone

Mail

8. RECORDS REQUESTED: Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records, but questions may be asked to help clarify the request. \*

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9. Do you want copies?

*Mark only one oval.*

- Yes, printed copies (default if none are checked)
- Yes, electronic copies preferred, if available
- No, in-person inspection of records preferred (may request copies later)

10. Please notify me if fees associated with this request will be more than:

*Mark only one oval.*

- \$100 or
- Other: \_\_\_\_\_

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Google Forms



## Public Records Request

Eckley, Erika <erika.eckley@iowa.gov>  
Draft

# INFORMATION ONLY

Dear Public Records Custodian:

I would like to receive the following records:

*[Provide a simple statement regarding the specific records sought, include any of the following to assist in identifying the records:*

1. *description or name of the document(s)*
2. *individuals involved*
3. *dates of request*
4. *specific events*
5. *date or range of dates*

*Requests should seek records, not ask questions. Make sure your request is phrased as asking for a record.]*

Please send them to me at the following address *[include email or physical address]* OR Please let me know when I can come review the documents during your normal business hours.

If there is a charge for these documents, please let me know if the charge will be greater than *[\$dollar amount]* and whether you will require prepayment.

If you have any questions about this request, please contact me at *[phone number, email, physical address]*

Thank you for your assistance.



**Erika Eckley, JD, MPA**  
Executive Director  
Iowa Public Information Board (IPIB)  
502 East 9th Street  
Wallace Building, 3rd Floor  
Des Moines, Iowa 50319  
(515) 725-1783  
[erika.eckley@iowa.gov](mailto:erika.eckley@iowa.gov)  
[www.ipib.iowa.gov](http://www.ipib.iowa.gov)

Report ID: SCHED 6 DEPT/APPR

STATE OF IOWA

Page: 1 of 3

Source: I/3 Budget

FINANCIAL INFORMATION SCHEDULE BY APPROPRIATION

Run Date: 10/15/2023

Spec Dept: All Fund: All Unit Detail: All

Run Time: 09:33:52 PM

Department: All Appropriation: All Recap Unit: All

**Special Department: 760SD Public Information Board**  
**Department: 592 Public Information Board**  
**Fund: 0001 General Fund**  
**Appropriation: P22 Iowa Public Information Board**

Object Class	Year to date	Total	Actuals
	Actuals	Department Request	
	FY 2024	FY 2024	FY 2023

**RESOURCES**

**Appropriations**

05A	Appropriation	357,407	358,039	358,039
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<b>Appropriations TOTAL:</b>		<b>357,407</b>	<b>358,039</b>	<b>358,039</b>
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**Receipts**

234R	Gov Fund Type Transfers - Other Agencies		7,800	8,050
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<b>Receipts TOTAL:</b>			<b>7,800</b>	<b>8,050</b>
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**Other Resources**

04B	Balance Brought Forward (Approps)	13,543	4,118	11,374
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<b>Other Resources TOTAL:</b>		<b>13,543</b>	<b>4,118</b>	<b>11,374</b>
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<b>TOTAL RESOURCES:</b>		<b>370,950</b>	<b>369,957</b>	<b>377,462</b>
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**DISPOSITION OF RESOURCES**

**Expenditures**

101	Personal Services-Salaries	72,798	322,007	288,030
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202	Personal Travel In State	188	3,182	117
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301	Office Supplies	409	2,000	2,178
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309	Printing & Binding		500	1
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313	Postage	10	150	54
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Report ID: SCHED 6 DEPT/APPR

STATE OF IOWA

Page: 2 of 3

Source: I/3 Budget

FINANCIAL INFORMATION SCHEDULE BY APPROPRIATION

Run Date: 10/15/2023

Spec Dept: All Fund: All Unit Detail: All

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Department: All Appropriation: All Recap Unit: All

**Special Department: 760SD Public Information Board**  
**Department: 592 Public Information Board**  
**Fund: 0001 General Fund**  
**Appropriation: P22 Iowa Public Information Board**

Object Class	Year to date Actuals	Total Department Request	Actuals
	FY 2024	FY 2024	FY 2023
401 Communications	436	3,000	3,352
405 Professional & Scientific Services		7,000	8,050
406 Outside Services	975		325
414 Reimbursement to Other Agencies	3,075	10,000	12,424
416 ITS Reimbursements	12,293	12,000	33,965
418 IT Outside Services	140		1,826
434 Gov Fund Type Transfers - Other Agencies Services		6,000	
602 Other Expense & Obligations			55
<b>Expenditures TOTAL:</b>	<b>90,324</b>	<b>365,839</b>	<b>350,377</b>
<b>Other Dispositions</b>			
91B Balance Carry Forward (Approps)		4,118	13,543
93R Reversions			13,543
<b>Other Dispositions TOTAL:</b>		<b>4,118</b>	<b>27,086</b>
<b>TOTAL DISPOSITION OF RESOURCES:</b>	<b>90,324</b>	<b>369,957</b>	<b>377,462</b>

FTE

FTE Summary

FTE FTE

3

Report ID: SCHED 6 DEPT/APPR

STATE OF IOWA

Page: 3 of 3

Source: I/3 Budget

FINANCIAL INFORMATION SCHEDULE BY APPROPRIATION

Run Date: 10/15/2023

Spec Dept: All Fund: All Unit Detail: All

Run Time: 09:33:52 PM

Department: All Appropriation: All Recap Unit: All

**Special Department: 760SD Public Information Board**  
**Department: 592 Public Information Board**  
**Fund: 0001 General Fund**  
**Appropriation: P22 Iowa Public Information Board**

Object Class	Year to date	Total	Actuals
	Actuals	Department	
	FY 2024	Request	FY 2023
<b>FTE Summary TOTAL:</b>		<b>3</b>	
<b>TOTAL FTE:</b>		<b>3</b>	
<b>Appropriation P22 Net (Res-Disp):</b>	<b>280,626</b>		
<b>Appropriation P22 FTE:</b>		<b>3.20</b>	
<b>Fund 0001 Net:</b>	<b>280,626</b>		
<b>Fund 0001 FTE:</b>		<b>3.20</b>	
<b>Department 592 Net:</b>	<b>280,626</b>		
<b>Department 592 FTE:</b>		<b>3.20</b>	
<b>Special Department 760SD Net:</b>	<b>280,626</b>		
<b>Special Department 760SD FTE:</b>		<b>3.20</b>	
<b>Report Total Net:</b>	<b>280,626</b>		
<b>Report Total FTE:</b>		<b>3.20</b>	