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IPIB AO 2015-05

August 20, 2015

SUBJECT: Meeting Minutes as Potential False Public Records

Kevin Kilgore
1695 115th Street
Diagonal, Iowa 50845

Dear Mr. Kilgore:

This opinion is in response to your letter of July 16, 2015, requesting an opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code section 23.6 and rule 497—1.2. We note at the outset that IPIB’s jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

FACTUAL STATEMENT:

You are concerned that decisions made by a governmental body had no factual basis and as such that the meeting minutes of that governmental body were a falsified document or public record as prohibited under Iowa Code section 721.1.

QUESTION:

Do statements in the public record that have no factual basis qualify as violations of Iowa Code section 721.1?

OPINION:

We first note that IPIB has no statutory jurisdiction or authority to issue advisory opinions over the application of Iowa Code section 721.1. Although the statute references “government body” and “public record” as being defined the same as in Iowa Code section 22.1, that fact does not confer jurisdiction upon this Board to interpret or apply Iowa Code section 721.1.

As you stated in your opinion request, Iowa Code section 21.3 requires a governmental body to “keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The

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minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present.”¹

Other than enforcing the sections of Iowa Code chapter 21 dealing with meeting minutes, the Iowa Public Information Board has no authority to enforce, interpret, or apply Iowa Code section 721.1.

In closing, the Board notes that we are not speaking to whether the meeting minutes you included with your opinion request are in compliance with Iowa Code chapter 21. This opinion is based solely on the legal question asked and does not include determinations on submitted documents.

BY DIRECTION AND VOTE OF THE BOARD

Suzan Stewart, Chair
Kathleen Richardson, Vice Chair
Robert Andeweg
Anthony Gaughan
Jo Martin
Andrew McKean
Gary Mohr
William Monroe
Peggy Weigl

Submitted by: W. Charles Smithson, IPIB Director

¹ Iowa Code sections 21.5 and 21.8 also contain provisions concerning requirements on minutes under specific factual situations.