

# Question: What steps should a private citizen take at a meeting of a governmental body when it is suggested that the body go into closed session, apparently for reasons not legal under Chapter 21 or other sections of the Iowa Code?

*Editor's Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB's activities and provide information on some of the issues routinely addressed by the board.*



**ANSWER:** These steps seem reasonable:

1. Although you may not be assured access to the floor, seek an opportunity to voice concerns: "I'd appreciate it if you would specify exactly which exemption is being used to close the meeting. I question your legal grounds for closing the session."
2. Recognize that the goal should be to keep the meeting legally open and not to punish a governmental body for illegally closing a session. Consequently, you should, if given the opportunity, explain why you feel the meeting should remain open and what requirements of closing may not have been met by the public body.
3. If the meeting is closed, and you remain concerned that it

was closed illegally, you can consider enforcement action. Contact the Iowa Public Information Board at its website: [www.ipib.iowa.gov](http://www.ipib.iowa.gov). Enlist the support of the local newspaper or broadcast station. Consult a private attorney to evaluate your case. Ask the county attorney to look into the matter. All you need to demonstrate to the IPIB or court is that (a) the public body is covered by the open meetings law and (b) a closed meeting was held. The burden of going forward shifts to the public agency to demonstrate compliance with the law.

4. Remember, if you are right that the meeting was illegally closed, you can be reimbursed for all court costs and reasonable legal fees. Remember, too, however, that this provi-

sion of the law should not be an invitation to protest all closed sessions because the law does provide for exemptions to the mandate for openness.

The IPIB website has this information and other helpful information concerning chapters 21 and 22. The training materials on the website provide valuable information about Iowa laws and best practices and can be downloaded and shared. In addition, the Iowa Public Information Board staff is available to answer questions and provide advice about the legality of a governmental action, mediate disputes, and act to enforce the law. The IPIB staff can be reached at 515-725-1781.

## IPIB Facts and Figures

During the month of March 2015, 85 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>MARCH 2015</u>	<u>JAN-MARCH 2015</u>
Formal complaints	5	18
Formal opinions	2	3
Declaratory orders	0	0
Informal complaints	18	45
Informal requests	60	144
Misc.	0	5
<b>TOTAL:</b>	<b>85</b>	<b>215</b>