

Question: I am a member of a three member governmental body. Can I talk to another member away from public meetings?

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: It is difficult for two of three members of a governmental body to communicate outside an open, public meeting without violating Chapter 21 of the Iowa Code (open meetings). This includes not only meeting face-to-face, but also talking on the telephone, texting, emailing or any other means of communication.

According to Iowa Code, section 21.2(2), the definition of a meeting is “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.” Two out of three members is a majority. Deliberation means to consider or debate. Two members could

meet for “purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter,” as allowed by section 21.2(2). However, a conversation about meeting times or a chance meeting at a civic event can easily morph into a discussion of agenda items and potential solutions to an issue facing the governmental body. Although a gathering for educational purposes (to receive information about an issue) can be considered a ‘ministerial’ function, it can become an illegal meeting when members start discussing the information and how to implement that knowledge.

Using email, telephone and texting to communicate can also create problems. Not only can there be violations of sec-

tion 21.2, 21.3 and 21.4 concerning notices, agendas and minutes, but there is also a violation of 21.8. Section 21.8 outlines specific procedures to be followed anytime there is a meeting of a governmental body by electronic means. With a three-member governmental body, the simple text discussion concerning duties or issues violates the open meetings laws unless section 21.8 is observed.

Best Practices: Save your deliberations for the public, open meeting. It is best when people can hear not only your decision, but the rationale for the decision.

IPIB Facts and Figures

During the month of July 2015, 64 contacts were made with the Iowa Public Information Board office.

<u>TYPE</u>	<u>JULY 2015</u>	<u>JAN-JULY 2015</u>
Formal complaints	8	65
Formal opinions	2	7
Declaratory orders	0	0
Informal complaints	10	88
Informal requests	42	321
Misc.	2	11
TOTAL:	64	492