

WHAT YOU SHOULD KNOW ABOUT OPEN MEETINGS AND PUBLIC RECORDS

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Congratulations on being elected to a position in city or school government. Now, it is time to fulfill your duties as a government official.

Iowa Code section 21.10 requires that you be provided with information about open meetings and public records laws. Failure to follow chapter 21 (open meetings) or chapter 22 (public records) can result in personal, individual liability for an offending public official.

The Iowa Public Information Board has a helpful training powerpoint available on the IPIB website at www.ipib.iowa.gov. The IPIB urges all government officials, elected or appointed, seek appropriate training. Here is an overview of Iowa transparency laws:

Open Meetings

Iowa Code chapter 21 outlines the requirements of open meetings. The purpose of the Chapter is clearly stated in the first section: *“Intent — declaration of policy. This chapter seeks to assure, through a requirement of open meetings of governmental bodies, 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.”*

An open meeting is not an option. It is required by Iowa law. Governmental bodies are mandated to provide at least 24 hour notice of meetings. No matter what the gathering is called (regular, special, work session, electronic, etc.), if there is deliberation or action upon any matter within the scope of the body’s policy-making duties by a majority of the members, it is considered a meeting and must be open.

The public must also have notice of the agenda for the meeting. This agenda shall be worded in a way that the public is reasonably apprised of the business to be conducted at the meeting. Voting must be conducted in open session. Closed sessions are strictly limited to the few exceptions outlined in Chapter 21 and must follow the rules outlined by Iowa law.

Minutes shall be kept of all meetings. The minutes must include the date, time and place, the members present, and the action taken at the meeting. The vote of each member present must be made public at the meeting and in the minutes. These minutes are public records.

Public Records

Iowa Code chapter 22 addresses public records laws in Iowa. Each government body is required to delegate the responsibility of responding to public record requests and to “publicly announce” the lawful custodian of its public records. Government cannot avoid the

requirements of public records law by storing the record 'off-site' or by contracting with a third party to collect and store records.

Government officials also cannot avoid the public records laws by conducting government business on a privately owned cell phone, laptop, computer, or other electronic device. The government body is responsible for retrieving public records that are stored 'off-site' or by a third party.

Fees can be charged by a government body to retrieve, review, and release a government record. Such fees must be based upon the actual cost incurred by the government body. It is not required that a government body charge fees for public records. It is recommended by the Iowa Public Information Board that a government body develop a policy concerning fees and review it frequently for compliance with Iowa law.

Under Iowa law, some records may be confidential. The government body is not required under Chapter 22 to withhold a record that could be confidential. However, if a record is withheld, the government body will be responsible for showing why the record is confidential.

Public records should be released promptly. If a delay is anticipated, it is recommended that the lawful custodian explain the reason for the delay.

Government settlements are public records. Iowa law sets forth the procedure a government body must follow to provide public access to a settlement agreement and the summary required by Iowa law.

All elected and appointed members of a governmental body are required to be trained about open meetings and public records laws. Failure to follow public records laws can result in court sanctions or review by the Iowa Public Information Board.

Specific information about Iowa transparency laws and training guidance is available at the Iowa Public Information Board website: www.ipib.iowa.gov or by calling the IPIB at 515-725-1783.