

The Iowa Public Information Board

In re the Matter of:	Case Numbers: 20FC:0117 (Skalberg) and 20FC:0120 (Christensen)
Marlene Skalberg and Gary Christensen, Complainants	
And Concerning:	Order to Consolidate and Dismiss
City of Emerson, Respondent	

COMES NOW Margaret E. Johnson, Executive Director for the Iowa Public Information Board (IPIB), and enters this Order to Consolidate and Dismiss:

On November 12, 2020, Marlene Skalberg filed formal complaint 20FC:0117, alleging that the City of Emerson (City) violated Iowa Code chapter 21. She alleged that on November 12, 2020, the Mayor of the City muted people trying to speak during a city council meeting.

On November 15, 2020, Gary Christensen filed formal complaint 20FC:0120, alleging a violation of Iowa Code chapter 21 at the same meeting. He alleged that the City fire chief tried to ask questions during the meeting, but the Mayor “shut off (her) microphone” after her three minute time limit had expired. He further alleged that the Mayor refuses to put the fire chief on the agenda for the council to discuss fire department issues.

On November 16, 2020, Mr. Christensen expanded on his complaint, stating that the Mayor continues to mute a council member with whom she has a conflict. At one point at the November 12, 2020, meeting, this council member held up a sign saying “Unmute Me”.

Another council member filed a report with the IPIB on November 16, 2020. He stated that when the muted council member was asking questions of the Mayor, she was told to meet with the Mayor after the meeting to discuss the issue as the topic was not on the agenda. This council member continued to speak for her three minutes “as a citizen.” When she would not stop speaking after three minutes, the Mayor muted her temporarily.

He added that the level of conflict on the council is such that, as an example, the council would not vote to adjourn after the meeting ended, so “we sat in silence until the allotted time for the meeting ran out when the meeting then ended abruptly.”

Legal counsel for the City responded to both complaints jointly, noting that the conflict amongst the council members and the Mayor is not a violation of Iowa Code chapter 21 or 22. “Instead the complaints are based upon disputes between citizens, the council, and the mayor regarding meetings decorum relative to comments during the meeting by the public or council members....”¹

¹ See also complaints filed by the Mayor and dismissed by the IPIB on November 19, 2020: Stephanie Latta, 20FC:0112 and 20FC:0115.

Iowa Code section 21.7 allows a governmental body to establish “reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.” IPIB staff have been told that others, such as the Iowa League of Cities, have and continue to try to assist the City in lessening the level of conflict amongst members. This is not an issue within the parameters of Iowa Code chapter 21.

Since both complaints concern the same alleged violation, it is appropriate to consolidate the complaints.

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 do not meet those requirements.

IT IS SO ORDERED: Formal complaints 20FC:0117 and 20FC:0120 are dismissed as without merit pursuant to Iowa Code section 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 December 17, 2020. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director


Margaret E. Johnson

CERTIFICATE OF MAILING

This document was sent by electronic mail on the 10th day of December, 2020, to:

Marlene Skalberg
Gary Christensen
Brent Hinders, attorney for the City of Emerson