



Page County Board of Supervisors
112 East Main Street
Clarinda, IA 51632

Re: Minutes of the County Board of Supervisors

I reviewed the May 19, 2023, memorandum from the Page County Attorney where he addressed issues related to the Board of Supervisors minutes. It is our conclusion based on current sections of the Iowa Code (I.C.A.) and Iowa Attorney General opinions, that the County Attorney's memorandum and reliance on the 1982 Attorney General opinion is not applicable to the current issues regarding the board minutes and the auditor's role in how the Board conducts business. The current state of the law establishes that a county auditor, in addition to regular county auditing duties, is to act in a supportive role for a county board of supervisors, ensure the board minutes are taken and supplied to the board members immediately following meetings, provide a final publishable version of the meeting minutes for public review, and to safeguard the minutes on behalf of the board.

Iowa Code § 21.4 dictates that "a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held...notice ... shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given." The Page County Board of Supervisors is a governmental body as defined by I.C.A. § 21.2.

The crux of the 1982 AG opinion cited in the Page County Attorney memorandum, was whether resolutions and ordinances could be summarized in the published board minutes. At the time the AG's opinion was written, a determination was made that summarization of minutes was impermissible, however that has changed. I.C.A. § 349.18 (2018) has since been amended and allows for the publishing of summaries. I.C.A. § 349.18 (3)(a), specifically states "[t]he county auditor shall include either a summary of all resolutions or the complete text of resolutions adopted by the board in the

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furnished copy of the proceedings. As used in this subsection, “summary” is a narrative description of the resolution setting forth the main points of the resolution in a manner calculated to inform the public in a clear and understandable manner.”

As to the issue of the weekly minutes and the role of the Page County Auditor, I.C.A. § 331.504 states, “[t]he minutes of the board shall include a record of all actions taken and the complete text of the motions, resolutions, amendments, and ordinances adopted by the board.” Board minutes should not include a clerk’s editorializations, narratives, interpretations, or personal comments. Any opinions or observations made by an auditor during a board meeting should not be part of the transcription of the minutes. By statute, an auditor is to assist the board of supervisors with their meetings, arrange for publishing an approved copy of the proceedings, and safeguard copies of the minutes for the board. In a 1992 opinion from the Office of the Attorney General, I.C.A. §§ 331.303, and 331.504 were reviewed. The AG’s opinion stated “[a] county auditor is to act as an agent to assist the board’s proceedings and record in an accurate and correct manner. The minutes of the board shall include a record of all actions taken and the complete text of the motions, resolutions, amendments, and ordinances adopted by the board.” 1992 Iowa Op. Atty. Gen. 167 (Iowa A.G.), 1992 WL 470371.

I.C.A. § 349.18 states that once the board meets, “[a]ll proceedings of each regular, adjourned, or special meeting of a board of supervisors, including the schedule of bills allowed, shall be published immediately after the adjournment of the meeting.” *Emphasis mine.* § 349.18 (1) addresses reducing the minutes to a version the board can review, edit, and approve. § 349.18 (3) directs that “[t]he county auditor shall furnish a copy of the proceedings to be published, within one week following the adjournment of the board.” The distinction between the two sections is important as minutes the board should have available for review are to be immediately produced, whereas an approved version suitable for publication is one week. The board does not relinquish control of the minutes merely because the auditor performed the transcription. I.C.A. § 331.504(2) states, “The auditor shall maintain the books and records required to be kept by the board under § 331.303.” I.C.A. § 331.508 lists the books and records the auditor’s office itself shall keep, which does not include the board of supervisor minutes book, warrant book, or claim register.

The issue of the Board’s responsibility for its meeting minutes was recently addressed by the Iowa Public Information Board (IPIB) in its July 11, 2023, Acceptance Order, *In re the Matter of: Chuck Morris, Complainant And Concerning: Page County Board of Supervisors, Respondent*, Case Number 23FC:0062. The Complainant brought the matter against the Page County Board alleging that the Board failed to post an agenda and notice of a county meeting. In the IPIB’s findings, it noted the applicability of I.C.A. § 21.3 which requires “[e]ach governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.”

The 1992 AG opinion referenced above echoes the IPIB findings when it emphasized that based on prior Iowa Supreme Court decisions, and prior opinions of the AG’s Office, that the “lawful custodian of the record books kept by the county board of supervisors and maintained by a county auditor is the county board of supervisors.” 1992 Iowa Op. Atty. Gen. 167. A county board of

supervisors has the responsibility to manage the record books even if the records are in the physical possession of the county auditor, the board would still be the lawful custodian of the record books. *Id.*

I hope this information clarifies the role of the Page County Auditor's Office and its role in assisting the Board of Supervisors. If I can be of additional service, please do not hesitate to let me know.

Sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Jeffrey Welch