The Iowa Public Information Board

In re the Matter of: Chuck Morris, Complainant And Concerning: Page County Board of Supervisors, Respondent	Case Number: 23FC:0062 Acceptance Order

COMES NOW, Erika Eckley, Executive Director for the Iowa Public Information Board (IPIB), and enters this Acceptance Order:

On June 16, 2023, Chuck Morris filed formal complaint 23FC:0062, alleging that Page County Board of Supervisors violated Iowa Code chapter 21.

Facts

Mr. Morris alleged that on June 14, 2023, the Page County Board of Supervisors ("Page County") held a joint meeting to discuss the levy of a jointly-managed drainage ditch in Page County, but failed to post an agenda and notice of the meeting in advance of the meeting.

Page County responded through their attorney. Page County agreed that an agenda for the joint meeting was not posted 24 hours prior to the meeting. Page County also provided minutes that showed that the meeting date had been discussed in earlier Page County meetings. It also stated that Page County was addressing the lack of notice by holding an additional meeting to ensure public input. Page County also stated that it was because of the unique nature of the meeting that the failure to post an agenda was not caught in time.

The minutes provided do not comply with all Chapter 21 requirements.

Applicable Law

Iowa Code § 21.4 requires 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 governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized" is a governmental body subject to Iowa Code chapter 21. Iowa Code § 21.2.

Iowa Code § 21.3 requires that "Each 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."

Analysis

There is sufficient evidence to establish that a violation of Iowa's open meetings has occurred in Page County based on the lack of posted notice for a governmental body meeting. While the time of the drainage district meeting was included in previous minutes for Page County, that notice does not comply with the requirements of Iowa Code § 21.4.

Further, the meeting minutes fail to show all requirements under Iowa Code § 21.3. While the minutes are extensive in their documentation of public comments and discussion, they fail to provide the results of each vote taken and information sufficient to indicate the vote of each member present.

While Page County states that there sufficient understanding of the requirements of Iowa Code chapter 21 and there was no intention to not comply with the requirements, working with IPIB on an informal resolution to address these issues to ensure compliance with Iowa's Open Meeting laws could be beneficial.

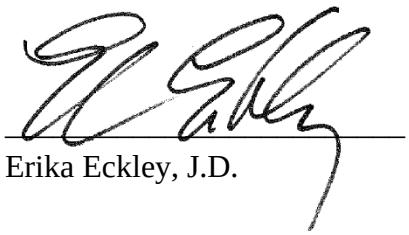
Conclusion

Iowa Code § 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint meets the necessary requirements for acceptance due to a failure to properly provide notice and an agenda 24 hours before a meeting of jointly-managed drainage or levee district and for failing to comply with the legal requirements for minutes of the Page County meetings.

IT IS SO ORDERED: Formal complaint 23FC:0062 is accepted pursuant to Iowa Code § 23.8(1) and Iowa Administrative Rule 497-2.1(2)(a).

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 July 20, 2023. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director



Erika Eckley, J.D.

CERTIFICATE OF MAILING

This document was sent on July 11, 2023, to:

Chuck Morris
Carl M. Sonksen, Page County Attorney