

CHAPTER 1  
ORGANIZATION AND GENERAL ADMINISTRATION

**497—1.1(84GA,ch1115) Board description.**

**1.1(1)** The Iowa public information board is established by 2012 Iowa Acts, chapter 1115, section 6, and consists of nine members, including a chairperson.

**1.1(2)** The term “board” shall mean the Iowa public information board.

**1.1(3)** Board members are appointed by the governor for staggered terms of four years and are subject to confirmation by the senate. No more than three members appointed shall be representatives from the media, including newspapers, and no more than three members appointed shall be representatives of cities, counties, and other political subdivisions of the state.

**1.1(4)** On an annual basis at the board’s first meeting on or after July 1, the members shall elect a chairperson. The board shall also employ a person who shall be an attorney admitted to practice law before the courts of Iowa to serve as the executive director of the board.

**1.1(5)** Vacancies on the board are filled in the same manner as regular appointments. Appointees who fill vacancies serve for the balance of the term.

**1.1(6)** The board shall meet at least quarterly and at the call of the chairperson.

**1.1(7)** Five board members constitute a quorum for conducting board business.

**1.1(8)** The board is available to assist in achieving compliance with open meetings and public records laws in alternative ways. Information is available on the board’s Web site at [Web address]. The members of governmental bodies and the public may call the board for informal answers to questions during office hours from 8 a.m. to 4:30 p.m. on Monday through Friday at [telephone number]. Written guidance about compliance with the open meetings and public records laws may be provided by advisory opinions (see rules 497—1.2(84GA,ch1115) and 497—1.3(84GA,ch1115)) or by declaratory orders (see rules 497—3.1(84GA,ch1115) to 497—3.8(84GA,ch1115)). In addition, complaints may be filed alleging violations of open meetings or public records laws under rule 497—2.1(84GA,ch1115).

This rule is intended to implement 2012 Iowa Acts, chapter 1115, section 6.

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

**497—1.2(84GA,ch1115) Requirements for requesting board advisory opinions.**

**1.2(1) Jurisdiction.** The board will only issue advisory opinions pertaining to Iowa Code chapters 21 and 22, or rules adopted thereunder. The board shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor.

**1.2(2) Who may request an advisory opinion.** Any person may request a board advisory opinion construing or applying Iowa Code chapters 21 and 22. The board may issue declaratory orders with the force of law pursuant to Iowa Code section 17A.9.

**1.2(3) Form of request.** The request for an advisory opinion shall pose specific legal questions and should describe any specific facts relating to the questions posed. Requests shall be sent to the board as provided in subrule 1.3(1).

This rule is intended to implement 2012 Iowa Acts, chapter 1115, section 9(3).

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

**497—1.3(84GA,ch1115) Processing of advisory opinion requests.**

**1.3(1)** Requests for board advisory opinions may be mailed to the Iowa Public Information Board, [address]. Requests may also be submitted by fax to [fax number] or by e-mail to [e-mail address].

**1.3(2)** After receiving an opinion request, the board’s executive director shall prepare a draft opinion for board review. If the same or similar issue has been addressed in an opinion of a court, or in an attorney general’s opinion, or in another prior advisory opinion, the executive director may respond to the requester by sending a copy of the prior opinion. Upon an affirmative vote of at least five members, the executive director shall issue a board advisory opinion on behalf of the board. The executive director may also cause an opinion to be issued on a routine matter on behalf of the board and shall provide notice to the board in writing of the opinion given. Advice contained in a board opinion rendered to a

government official or a lawful custodian of a public record, if followed, constitutes a defense for the government official or lawful custodian before the board to a subsequent complaint that is based on the same facts and circumstances.

**1.3(3)** A person who receives a board advisory opinion may, within 30 days after the issuance of the opinion, request modification or reconsideration of the opinion. A request for modification or reconsideration shall be deemed denied unless the board acts upon the request within 60 days of receipt of the request. The board may take up modification or reconsideration of an advisory opinion on its own motion within 30 days after the issuance of an opinion. The board aspires to issue an opinion within 30 days after a formal request is made.

**1.3(4)** Board advisory opinions are open records and shall be made available at the board office and via the board's Web site at [Web address].

**1.3(5)** Nothing in this rule precludes a person who has received a board opinion or advice from petitioning for a declaratory order pursuant to Iowa Code section 17A.9. The board may refuse to issue a declaratory order to a person who has previously received a board opinion on the same question, unless the requester demonstrates a significant change in circumstances from those in the board opinion.

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

#### **497—1.4(84GA,ch1115) Conflict of interest.**

**1.4(1) Definition.** "Conflict of interest" means that a board member, the executive director, or a board member's immediate family has a significant personal, financial, or employment relationship with: a person who has requested an advisory opinion; a person who has petitioned for a declaratory order; a complainant; or a government employee or official or a governmental body that would be directly impacted by an advisory opinion, declaratory order, or a complaint. For purposes of this rule, "immediate family" means a member's spouse, child, grandchild, or parent.

**1.4(2) Procedures.** As soon as a member of the board or the executive director becomes aware of a conflict of interest, the member or executive director shall follow these procedures:

*a.* If the conflict is known before a meeting, the member or executive director shall fully disclose the interest to the chairperson of the board in writing at least 24 hours before the meeting.

*b.* If the conflict is discovered during a meeting, the member or executive director shall orally inform the board and the nature of the conflict shall be reported in writing to the chairperson of the board within 24 hours after the meeting.

*c.* The board member or executive director who has the conflict shall not participate in discussion or vote on any advisory opinion, declaratory order, or complaint.

[ARC 0741C, IAB 5/15/13, effective 7/1/13]

These rules are intended to implement 2012 Iowa Acts, chapter 1115, section 6.

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