

AN ACT

ALLOWING THE OFFICE OF OMBUDSMAN ACCESS IN THE PERFORMANCE OF ITS DUTIES TO THE MINUTES AND AUDIO RECORDING OF A CLOSED SESSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 21.5, subsection 4, Code 2015, is amended to read as follows:

4. a. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session.

b. (1) The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date

of that meeting, except as otherwise required by law.

(2) This paragraph "b" does not require the office of ombudsman to obtain a court order to examine the detailed minutes and audio recording of a closed session when such examination is relevant to an investigation under chapter 2C and the information sought is not available through other reasonable means. Any portion of the minutes or recording released by a governmental body to the office of ombudsman shall remain confidential pursuant to section 2C.9.

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PAM JOCHUM  
President of the Senate

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KRAIG PAULSEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 457, Eighty-sixth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2015

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TERRY E. BRANSTAD  
Governor