

IOWA PUBLIC INFORMATION BOARD[497]

Adopted and Filed

Pursuant to the authority of Iowa Code section 23.6, the Iowa Public Information Board hereby adopts new Chapter 8, “Open Meetings,” Iowa Administrative Code.

This amendment reflects Board decisions on complaints involving the open meetings laws in Iowa Code chapter 21.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin on May 27, 2015, as **ARC 2010C**. The Board received comments from the Iowa League of Cities and the Iowa Hospital Association. Based on these comments, two changes were made. In subrule 8.1(2), it was clarified that if the area normally used for the posting of a notice could not be utilized due to factors such as renovation or remodeling, the posting could be done at another area easily accessible or viewable by the public. In subrule 8.1(3), it was clarified that notice of closed session does not require more information than what is required in Iowa Code section 21.5, and another example of a permissible notice concerning patient care quality or discussing marketing and pricing was included in the subrule.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 21.

This amendment will become effective on September 9, 2015.

The following amendment is adopted.

Adopt the following **new** 497—Chapter 8:

CHAPTER 8
OPEN MEETINGS

497—8.1(21,23) Notice.

8.1(1) *When posted.* As provided in Iowa Code section 21.4, a governmental body shall give notice of the time, date, and place of the meeting and the tentative agenda at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The notice requirement also applies when there is a change to the original notice except as provided in Iowa Code section 21.4(3).

8.1(2) *Where posted.* Notice shall be posted at those locations designated in Iowa Code section 21.4. The notice shall be posted in an area that is easily accessible by the public or in an area where the notice is easily viewable by the public and shall be posted for at least 24 hours prior to the commencement of the meeting unless for good cause such notice is impossible or impractical. The posting of a notice in an area that is not normally used for the posting of notices or public announcements shall not be deemed proper notice. However, if the posting of a notice in an area normally used for posting of notices is not reasonable or practical such as the area is under construction or renovation, the notice shall be posted in an area that is otherwise easily accessible by the public or in an area where the notice is easily viewable by the public.

8.1(3) *Closed session.* When a governmental body includes a closed session item on the tentative agenda, the notice shall include a brief statement of the purpose of the closed session. It shall not be deemed sufficient notice for the governmental body to only reference the statute by number and subparagraph without more information. For example, it shall not be sufficient notice for the governmental body to list as an agenda item “closed session 21.5(1)(a).” The brief statement of purpose does not require the governmental body to provide more information than what is required under subparagraphs (a) through (l) in Iowa Code section 21.5(1). Examples of notice deemed sufficient would be “closed session 21.5(1)(c) discuss litigation with counsel” or “closed session 21.5(1)(l) discuss patient care quality or discuss marketing and pricing strategies.”

This rule is intended to implement Iowa Code chapter 21.

[Filed 7/17/15, effective 9/9/15]

[Published 8/5/15]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/5/15.