

IOWA PUBLIC INFORMATION BOARD[497]

Adopted and Filed

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

This amendment reflects the March 25, 2015, decision of the Iowa Court of Appeals in James W. Olinger and Larry C. Meyer vs. Robert Smith, Walter Utman and Gaylord Pitt, Harrison County, Iowa and Utman Drainage District in which the Court opined that when a governmental body holds a closed session under Iowa Code section 21.5(1)“c,” the legal counsel for the governmental body is required to be present.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin on September 30, 2015, as **ARC 2159C**. The Board received no public comment on the amendment. No changes were made to the amendment as published under Notice of Intended Action.

The Iowa Public Information Board adopted this amendment on November 19, 2015.

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

This amendment is intended to implement Iowa Code section 21.5.

This amendment will become effective on January 27, 2016.

The following amendment is adopted.

Adopt the following **new** rule 497—8.2(21,23):

497—8.2(21,23) Closed session.

8.2(1) Who may attend. A governmental body has the discretion as to who it may invite to attend a closed session. However, if the governmental body holds a closed session under Iowa Code section 21.5(1)“c” to discuss strategy with counsel, the legal counsel for the governmental body shall be in attendance at the closed session either in person or by electronic means.

8.2(2) Reserved.

This rule is intended to implement Iowa Code section 21.5.

[Filed 11/19/15, effective 1/27/16]

[Published 12/23/15]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 12/23/15.