

Regulatory Analysis

Notice of Intended Action to be published: 497—Chapter 8
“Open Meetings”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A and 23
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 23 and 17A and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

July 15, 2025
9 to 9:30 a.m.

Via virtual meeting/videoconference
meet.google.com/quc-bvrw-cnh
Or dial: 304.769.9126
Passcode: 822 138 940#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Iowa Public Information Board (IPIB) no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Erika Eckley, Director
Iowa Public Information Board
Jessie M. Parker Building, East
510 East 12th Street
Des Moines, Iowa 50319
Phone: 515.393.8339
Email: erika.eckley@iowa.gov

Purpose and Summary

This proposed rulemaking includes revised administrative rules based on the requirements of Executive Order 10. Chapter 8 provides information to the public about open meetings. Chapter 8 is proposed to be rescinded and adopted new with revisions to align with Executive Order 10.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
There is no expected additional cost to the State, governmental bodies, or individuals.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Citizens of the State and governmental bodies subject to Iowa Code chapters 21 and 22 will benefit.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
No quantitative impact is expected. IPIB will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.
 - **Qualitative description of impact:**

No qualitative impact is expected.

3. Costs to the State:

• **Implementation and enforcement costs borne by the agency or any other agency:**

No costs will be borne by any agency. IPIB will still operate consistent with Iowa Code chapters 17A and 23.

• **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Not applicable. IPIB will still operate consistent with Iowa Code chapter 17A and the scope of authority granted pursuant to Iowa Code chapter 23.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable.

6. Alternative methods considered by the agency:

• **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

• **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

• Establish less stringent compliance or reporting requirements in the rulemaking for small business.

• Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.

• Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.

• Establish performance standards to replace design or operational standards in the rulemaking for small business.

• Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind 497—Chapter 8 and adopt the following **new** chapter in lieu thereof:

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 will 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 will be posted at those locations designated in Iowa Code section 21.4. The notice will 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 will 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 will 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 will 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 will include a brief statement of the purpose of the closed session. It will not be deemed sufficient notice for the governmental body to only reference the statute by number and subparagraph without more information. For example, it will not be sufficient notice for the governmental body to list as an agenda item “closed session 21.5(1)‘a.’”

The governmental body need not provide more information in the brief statement of purpose than what is required under Iowa Code section 21.5(1)“a” through 21.5(1)“l.” 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.

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 will be in attendance at the closed session either in person or by electronic means.

8.2(2) Reserved.

497—8.3(21,22) Exempt sessions.

8.3(1) An Iowa Code section 21.9 exempt session is a meeting to discuss strategy concerning employment conditions of employees of a governmental body who are not covered by a collective bargaining agreement under Iowa Code chapter 20.

8.3(2) “Employment conditions” include wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, and grievance procedures.

8.3(3) An exempt session does not fall under the requirements of Iowa Code chapter 21; therefore, notice, a tentative agenda, minutes, and other requirements of Iowa Code chapter 21 do not apply.

8.3(4) The purpose of an exempt session is to allow a governmental body to formulate its position on the terms and conditions of employment for nonunion employees in private. An exemption from the open meetings law for this purpose parallels the exemption provided by Iowa Code chapter 20 for governmental bodies negotiating with employee unions. Meetings to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered are subject to the requirements of Iowa Code section 21.5(1)“i.”

These rules are intended to implement Iowa Code chapters 17A, 21, and 23.