

FEB 19 1998

STATE GOVERNMENT

HOUSE FILE
BY SUKUP

2359

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to closed sessions of governmental bodies
2 considering an individual's professional competency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HF 2359

1 Section 1. Section 21.5, subsection 1, paragraph i, Code
2 1997, is amended to read as follows:

3 i. To evaluate the professional competency of an
4 individual whose appointment, hiring, performance, or
5 discharge is being considered when and one of the following
6 applies:

7 a. The closed session is necessary to prevent needless and
8 irreparable injury to that the individual's reputation and
9 that, unless the individual objects to the closed session.

10 b. The individual requests a closed session.

11 EXPLANATION

12 Code chapter 21 requires that governmental meetings must be
13 open to the public, with some exceptions expressed in Code
14 section 21.5. One exception to the open meetings law provides
15 that a governmental body may vote to hold a closed session to
16 evaluate the professional competency of an individual whose
17 appointment, hiring, performance, or discharge is being
18 considered. The law requires that two conditions must be
19 satisfied. First, the closed session must be necessary to
20 prevent needless and irreparable injury to the individual's
21 reputation. In addition, the individual must request the
22 closed session. This bill makes these conditions independent.
23 Under the bill, a governmental body may vote to hold a closed
24 session when an issue of the individual's reputation is at
25 stake, unless the individual objects. The bill also provides
26 that a governmental body may hold a closed session upon
27 request of the individual regardless of issues involving
28 reputation.

29

30

31

32

33

34

35