



502 East 9th Street
Des Moines, Iowa 50319
www.ipib.iowa.gov

Margaret Johnson, JD
Interim Executive Director
(515) 725-1783
margaret.johnson@iowa.gov

Administration and Regulation Budget Subcommittee Meeting
FY18/FY19 Budget Proposal

February 8, 2017

Members of the Administration and Regulation Budget Subcommittee:

Thank you for the opportunity to present information about the Iowa Public Information Board. I have attached copies of the 2016 Annual Report and other information for your review.

The Iowa Public Information Board (IPIB) was created in 2012 and became operational in July 2013. IPIB strives to settle disputes involving Iowa's open meetings and public records laws inexpensively and efficiently. The IPIB also provides public information and training opportunities on open meetings and public records laws. The IPIB is easily accessible to the public. It is located on the third floor of the Wallace Building, maintains a website at www.ipib.iowa.gov, and can be reached by telephone at 515-725-1781.

Proof of the value of the IPIB can be found in its steadily increasing caseload. In 2016, 875 cases were opened. This is an increase of eight percent over 2015. The IPIB website also experienced a significant increase in activity with almost 13,000 visitors in 2016, up by about 25%.

The IPIB recognizes the time sensitive nature of open meetings and public records concerns. Of these 875 cases opened in 2016, most were resolved in less than a day.

In addition to the 12,703 visitors to the IPIB website, members of the media (13%), citizens (44%), and government officials (43%) made contact with the IPIB office in 2016. IPIB staff continues to conduct training presentations throughout the year and works closely with local government organizations to meet training goals.

A monthly informational column on topics of current interest and best practice ideas is circulated around the state for publication in newspapers large and small.

The IPIB accomplishes this with a tight budget, allowing for minimum staffing and overhead. Every dollar allocated to the IPIB is spent for the benefit of all Iowans. Roughly eleven cents per year per citizen provides each citizen with a promise of government transparency and with a pledge from government to uphold that promise.

I welcome the opportunity to answer any questions you may have.

Sincerely,

Margaret E. Johnson, JD
Interim Executive Director

Board Members

E. J. Giovannetti • Keith Luchtel • Frederick Morain • William Peard
Julie Pottorff • Suzan Stewart • Renee Twedt • Mary Unga-Sogaard



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Annual Status Report As Required by Code Subsection 23.6(12) 2016

Iowa Code chapter 23, enacted in 2012 and amended in 2013 to establish the Iowa Public Information Board (IPIB or Board), requires the Board to “prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.” This report reviews the work performed by the Board in 2016 in accordance with the directives of Chapter 23.

The Board was created to provide a free, efficient way for Iowans to receive information and resolve complaints related to chapters 21 and 22, Iowa’s open meetings and public records laws. The agency’s case load has far exceeded expectations since its inception, with the Board receiving 107 formal complaints and answering 768 informal inquiries in 2016, an increase of 64 (8%) over 2015. The vast majority of complaints were settled informally, with the Board attorneys negotiating a compromise that satisfied both parties, reduced community conflict, and resulted in increased government transparency. In addition, Board staff attorneys conducted training sessions for hundreds of state, county, and city officials. The Board identified continuing problems in the areas of meeting notice, governmental subcommittees, and law enforcement records.

In particular, the number of informal inquiries, from around the state, establishes the value of the services of the IPIB. Many complaints are handled within 24 hours and without the need for formal IPIB action. Examples include:

- A news reporter from central Iowa felt she was not being provided the information required to be released by a city police department pursuant to Iowa Code section 22.7(5). Following a telephone call from IPIB staff, the records were released within three days.
- Based upon concerns voiced by a western Iowa citizen, the IPIB assisted his town with drafting adequate agendas and minutes, thus avoiding the filing of a formal complaint by the citizen.
- A media representative from northern Iowa was concerned about access to an electronic meeting scheduled by a city council. An IPIB staff attorney contacted legal counsel for the city and ensured that appropriate public access to the electronic meeting was provided.
- An eastern Iowa citizen raised questions about the reason for a school district to redact names from emails he requested. Upon IPIB staff attorney review, the school was advised that there were no reasons for the redaction under Iowa Code chapter 22, and the appropriate records were released.

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The Board achieved operational status on July 8, 2013, with the opening of an office on the third floor of the Wallace Building in the Capitol Complex.

Chapter 23 states no more than three members of the nine-member board shall represent the media, and not more than three shall represent cities, counties, or other local governments. The members serve staggered four-year terms, and the Board must be balanced by political party and gender. The Board appoints a chair and vice chair from among its members. The Board is an independent agency.

Board membership fluctuated in 2016, as various terms ended and new members were appointed:

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- **Tony Gaughan, JD**, West Des Moines (Republican) (vice chair) (Until 11/30/16) - Tony is an attorney who is an Associate Professor of Law at Drake University in Des Moines.
- **Keith Luchtel, JD**, Clive (Republican) (Since 6/6/16) – Keith was the first Executive Director for the IPIB. He retired from the Nyemaster Goode Law Firm in Des Moines. He has served more than 25 years as legislative counsel for the Iowa Newspaper Association and the Iowa Broadcasters Association. He is currently the Governor's Transparency Advisor (a volunteer position).
- **Jo Martin**, Spirit Lake (Democrat) (Until 12/31/16) - Jo is a retired vice president of Times-Citizen Communications in Iowa Falls, having worked for several other Iowa newspapers prior to that. She is a Past President of the Iowa Newspaper Association (INA) and the Iowa Newspaper Foundation (INF).
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- **Peggy Weitl**, Carroll (Democrat) (Until 4/30/16) - Peggy retired as the Treasurer of Carroll County on December 31, 2013.

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W. Charles Smithson, JD, was selected as Executive Director on October 30, 2014, upon the retirement of Keith Luchtel and served until December 2, 2016. Charlie received his bachelor's degree in history/political science/sociology from Westmar College and his law degree from Washburn University. He served as Legal Counsel and then also as Executive Director between 1998 to 2010 to the Iowa Ethics and Campaign Disclosure Board. Most recently he served as Legal Counsel and Legislative Liaison in the Iowa Secretary of State's Office. He was Chief Clerk of the Iowa House of Representatives from November of 2010 to November of 2012 and is also an adjunct professor of election law at Drake University Law School.

Margaret E. Johnson, JD, served as deputy director of the Board until December 2, 2016. Since then she serves as Interim Executive Director. She received a bachelor's degree in Journalism from Iowa State University and a law degree from Marshall/Wythe Law School at the College of William and Mary. Her prior legal experience includes serving as a captain with the Army JAGC; assistant district attorney in the 4th Judicial District, Colorado; assistant county attorney for Teller County, Colorado; private practice; the El Paso County GAL office; contract prosecutor for the Iowa Attorney Disciplinary Board and Fremont County, Iowa, county attorney. Her judicial experience is as a substitute juvenile magistrate in Colorado. She joined the staff on July 22, 2013.

Cindy Meyerdirk serves as Administrative Assistant to the Board. She moved from northwest Iowa, where she held business staff positions, to Des Moines in 2007. Cindy then began government employment with the Iowa Fire Marshal Division of the Department of Public Safety. She served as Assistant to the Building Code Director and served as the Assistant to the Fire Marshal when hired by the IPIB commencing July 5, 2013.

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Informal Requests (629) – these informal cases require review and research. Informal Requests can normally be resolved within 24 hours. They do not require Board review and action under the Rules. Usually the requestor is a public official, staff, or legal counsel seeking assistance in the interpretation of Chapters 21 and 22. In 2016, the requestor breakdown was citizen 44%, media 13%, and government official or staff 43%.

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Some cases were dismissed as having not been timely filed - outside the Board's sixty-day period of jurisdiction. Also, some requests seek assistance on problems that are not within the Board's jurisdiction. Frequently staff attorneys have been able to be of assistance on an informal basis to help citizens obtain a satisfactory result with the cooperation of public officials in other agencies.

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Hearings Conducted

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Resources and activities

The IPIB met nine times in open meetings in 2016 to review cases and conduct other required business. Board committees have been formed to focus on several tasks including:

- Developing and implementing a communications plan;
- Developing and implementing a legislative recommendations process; and
- Developing and implementing a training program in cooperation with government and media organizations.

Committees met as needed throughout the year in open meetings.

Board tasks continued in 2016 include:

---**Website.** The IPIB website, www.ipib.iowa.gov, opened in late August 2013. The website includes the full text of Chapters 21, 22, and 23. It also includes questions and answers (FAQs) about various issues, copies of selected formal complaint decisions of likely interest, all minutes and agendas for the IPIB, activities of the IPIB, and contact information. The website also has links to file a formal complaint or to ask a question. Statistics from the web host for January through December 2016 note 12,703 visitors (up over 3000 from 2015) viewing 52,390 pages on the website. Around 64% of the visitors to the website were new, first-time visitors.

The Training Committee met with other agencies in 2014 to draft, refine, and publish a training PowerPoint presentation to the website: "Iowa Sunshine Law – Open Meetings and Open Records in Iowa." The free training

program is available to any group, agency, governmental body or individual wanting basic, comprehensive training on Chapters 21 and 22. This continues to be a valuable resource.

---Developing a training program. For the past decade or so, the Iowa League of Cities, the Iowa State Association of Counties, the Iowa Association of School Boards, the Iowa Newspaper Foundation, the Iowa Broadcasters Association, and the Iowa Freedom of Information Council have worked together to present training opportunities for their constituents and the general public. Development of the website training program (above) was an integral part of developing a universal training curriculum for this combined effort.

In addition, IPIB staff attorneys draft and publish an educational monthly column entitled "Open.Iowa.gov". The column is posted on the website and emailed to the IPIB distribution lists. The Iowa Newspaper Association prepares and distributes a PDF version of the column for all its members.

---Information policies and processes established. An email distribution list is available to anyone who wants to receive copies of all general notice items such as meeting notices, agendas, and minutes. Other general interest items are also circulated on this list. The policies and processes reflect the Board's transparency goal stated above. The executive director is responsible for securing information in the custody of the Board that is required to be kept confidential. The media distribution list assists with disseminating information of particular interest to the media.

---Establishing Board goals and metrics to measure progress. The Board has established a case management system that continues to be refined and adjusted as experience warrants. The new, refined system allows for statistical reporting on audience served (citizen, media, government), location by city and county, the length of time a case is open, whether a case meets the jurisdictional requirements of Chapter 23, types of cases (complaint, opinion, ruling), and whether the complaint is focused on state, city, county, school, or other governmental bodies. The new system also allows staff to enter notes and comments and upload emails and other documents to the case record.

REVIEWED AND APPROVED ON JANUARY 19, 2017.

Suzan Stewart, Chair



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---**Website.** The IPIB website, www.ipib.iowa.gov, opened in late August 2013. The website includes the full text of Chapters 21, 22, and 23. It also includes questions and answers (FAQs) about various issues, copies of selected formal complaint decisions of likely interest, all minutes and agendas for the IPIB, activities of the IPIB, and contact information. The website also has links to file a formal complaint or to ask a question. Statistics from the web host for January through December 2016 note 12,703 visitors (up over 3000 from 2015) viewing 52,390 pages on the website. Around 64% of the visitors to the website were new, first-time visitors.

The Training Committee met with other agencies in 2014 to draft, refine, and publish a training PowerPoint presentation to the website: "Iowa Sunshine Law – Open Meetings and Open Records in Iowa." The free training

program is available to any group, agency, governmental body or individual wanting basic, comprehensive training on Chapters 21 and 22. This continues to be a valuable resource.

---Developing a training program. For the past decade or so, the Iowa League of Cities, the Iowa State Association of Counties, the Iowa Association of School Boards, the Iowa Newspaper Foundation, the Iowa Broadcasters Association, and the Iowa Freedom of Information Council have worked together to present training opportunities for their constituents and the general public. Development of the website training program (above) was an integral part of developing a universal training curriculum for this combined effort.

In addition, IPIB staff attorneys draft and publish an educational monthly column entitled "Open.Iowa.gov". The column is posted on the website and emailed to the IPIB distribution lists. The Iowa Newspaper Association prepares and distributes a PDF version of the column for all its members.

---Information policies and processes established. An email distribution list is available to anyone who wants to receive copies of all general notice items such as meeting notices, agendas, and minutes. Other general interest items are also circulated on this list. The policies and processes reflect the Board's transparency goal stated above. The executive director is responsible for securing information in the custody of the Board that is required to be kept confidential. The media distribution list assists with disseminating information of particular interest to the media.

---Establishing Board goals and metrics to measure progress. The Board has established a case management system that continues to be refined and adjusted as experience warrants. The new, refined system allows for statistical reporting on audience served (citizen, media, government), location by city and county, the length of time a case is open, whether a case meets the jurisdictional requirements of Chapter 23, types of cases (complaint, opinion, ruling), and whether the complaint is focused on state, city, county, school, or other governmental bodies. The new system also allows staff to enter notes and comments and upload emails and other documents to the case record.

REVIEWED AND APPROVED ON JANUARY 19, 2017.

Suzan Stewart, Chair

Fiscal Year 2018

	Monthly		12 Months
Payroll ° 3 FTE	26,186.00		314,233.00
Westlaw Subscriptions	108.00		1,296.00
Pre-audit & Financial	72.29		867.48*
Rent	604.75		7,257.00*
Human Resources	100.02		1,200.24*
OCIO - licenses, email services, directory services, security, mainframe, storage, server, leases, and software.	607.86		7,294.32*
State Accounting ° 1/3 Utility Charge	38.75		465.00*
Ricoh Copier/Printer	183.00		2,196.00
Postage	14.00		168.00
Phones	172.27		2,067.24*
Case Management System	412.96		4,955.49*
Litigaton Costs ° DIA			1,500.00 (approx.)
Board Member Travel	425.00 (approx.)		4,800.00 (approx.)
Board Member Per Diem	150.00 (approx.)		1,800.00 (approx.)
*current - may increase FY18	Total		\$350,099.77

County: Adair (7 records)
County: Adams (2 records)
County: Allamakee (8 records)
County: Appanoose (56 records)
County: Audubon (39 records)
County: Benton (9 records)
County: Black Hawk (88 records)
County: Boone (7 records)
County: Bremer (10 records)
County: Buchanan (20 records)
County: Buena Vista (12 records)
County: Butler (32 records)
County: Calhoun (5 records)
County: Carroll (35 records)
County: Cass (28 records)
County: Cedar (58 records)
County: Cerro Gordo (42 records)
County: Cherokee (2 records)
County: Chickasaw (2 records)
County: Clarke (6 records)
County: Clay (3 records)
County: Clayton (26 records)
County: Clinton (34 records)
County: Crawford (23 records)
County: Dallas (44 records)
County: Davis (5 records)

County: Decatur (6 records)
County: Delaware (14 records)
County: Des Moines (17 records)
County: Dickinson (10 records)
County: Dubuque (60 records)
County: Emmet (5 records)
County: Fayette (11 records)
County: Floyd (13 records)
County: Franklin (8 records)
County: Fremont (15 records)
County: Greene (10 records)
County: Grundy (6 records)
County: Guthrie (24 records)
County: Hamilton (1 record)
County: Hancock (4 records)
County: Hardin (21 records)
County: Harrison (19 records)
County: Henry (31 records)
County: Howard (2 records)
County: Humboldt (1 record)
County: Ida (1 record)
County: Iowa (8 records)
County: Jackson (12 records)
County: Jasper (17 records)
County: Jefferson (20 records)
County: Johnson (79 records)

County: Jones (14 records)
County: Keokuk (1 record)
County: Kossuth (5 records)
County: Lee (21 records)
County: Linn (90 records)
County: Louisa (3 records)
County: Lucas (12 records)
County: Lyon (8 records)
County: Madison (17 records)
County: Mahaska (13 records)
County: Marion (18 records)
County: Marshall (12 records)
County: Mills (49 records)
County: Mitchell (6 records)
County: Monona (7 records)
County: Monroe (14 records)
County: Montgomery (43 records)
County: Muscatine (17 records)
County: Null Anonymous
(80 records)
County: Null Out of State of Iowa
(124 records)
County: O'Brien (17 records)
County: Osceola (59 records)
County: Page (28 records)
County: Palo Alto (6 records)
County: Plymouth (18 records)

County: Pocahontas (10 records)
County: Polk (547 records)
County: Pottawattamie
(48 records)
County: Poweshiek (3 records)
County: Ringgold (84 records)
County: Sac (15 records)
County: Scott (61 records)
County: Shelby (2 records)
County: Sioux (8 records)
County: Story (43 records)
County: Tama (6 records)
County: Taylor (3 records)
County: Union (13 records)
County: Van Buren (6 records)
County: Wapello (62 records)
County: Warren (33 records)
County: Washington (83 records)
County: Wayne (2 records)
County: Webster (14 records)
County: Winnebago (3 records)
County: Winneshiek (8 records)
County: Woodbury (30 records)
County: Worth (1 record)
County: Wright (8 records)