



Agenda
Bondurant Community Library - Library Board of Trustees
104 2nd Street NE
Bondurant, Iowa 50035
Bondurant Community Library – Group Study B
6 pm
Wednesday, November 2, 2022

With Iowa cases of novel coronavirus, COVID-19, Library staff has been evaluating ways to meet State code requirements for hosting a public meeting while practicing social distancing measures recommended to curb the outbreak of COVID-19.0

*Due to the COVID-19 concerns and social distancing recommendations, a virtual meeting is being offered. Participants wishing to speak on a topic should message the meeting moderator. All participants are asked to mute their individual computers at times when they are not speaking to minimize background noise.

To connect to the virtual meeting please use the following link

<https://us02web.zoom.us/j/81263189136?pwd=VHkrTWVjZGdrelZzSjU2VGk3NGJlQT09>

To phone into the meeting please call the following number: 1 312 626 6799 US (Chicago)

Meeting ID: 812 6318 9136 Password: 187556

Roll Call

Call to order

- 1) Guests Present
 - 2) Perfecting and Approving the Agenda
 - 3) Approval of Consent Agenda
 - a) Approval of Minutes from past meeting – October 2022
 - b) Financial Report
 - c) Approval of Warrant List/Authorize expenditures
 - d) Staff Report -- October
 - e) Director Report -- October
 - f) Statistics
 - 4) Public Comments
 - 5) Foundation Update
 - 6) Friends of the Library Update
 - 7) City Council Liaison Report
 - 8) Old Business
 - 9) New Business
 - a) Resignation of Board member Pat Kaura
 - b) Discussion open Board position
 - c) Iowa Code Confidentiality/Iowa Open Meeting Law
 - 10) Board President Items
 - 11) Adjournment
- Next meeting – December 7, 2022

Any person with a disability who requires a modification or accommodation in order to participate in the meeting, or any person with limited English proficiency (LEP) who requires language assistance to communicate with the Library Board of Trustees during the meeting, should contact the Library Director, (515) 967-4790 or jills@bondurant.lib.ia.us, no fewer than two business days prior to the meeting to enable the Bondurant Community Library to make reasonable arrangements to assure accessibility or language assistance for the meeting.



Meeting Minutes
Bondurant Community Library | Library Board of Trustees
Wednesday, October 4, 2022

1. **Roll Call:** *Members Present:* Josh Bryant, Julie Bergeson, Jen Keeler, Mike Kramar, Sue Ugulini and Craig Campbell. President Pat Kaura joined virtually. Library Director Sanders and assistant Director Klinker-Feld were also present.
2. **Call to order:** Meeting called to order at 6:02 PM by Vice President Bryant.
3. **Guests present:** None.
4. **Perfecting and Approving the Agenda:** Motion to approve the agenda by Ugulini, seconded by Keeler. Motion carried.
5. **Approval of Consent Agenda:**
 - a. Approval of minutes from past meeting – September 2022
 - b. Financial Report
 - c. Approve Warrant list / authorize expenditures
 - d. Staff Report -
 - e. Director's Report – September 2022
 - f. Statistics Review – September 2022

Motion to approve the above consent agenda by Kaura, seconded by Kramar. Motion carried.
6. **Public Comments:** None.
7. **Library Foundation Update:** No meeting.
8. **Friends of BPL Update:** Coffee cake fundraiser October 21, 2022 in coordination with the fall book sale. Will participate in Business Trick-or-Treat on October 25, 2022.
9. **City Council Liaison Report:** No representative present. Several Trustees attended the BDI Conference where FEH highlighted the library expansion project in a presentation.
10. **Old Business:** None.
10. **New Business:**
 - a. **Donation proposal and stipulations (Tiffany Kroil).** Motion to approve patron request with recommendations for materials by Library Director/staff by Ugulini, seconded by Keeler. Motion carried.
 - b. **Review/Approve Children's Librarian job description.** Motion to approve updated job description by Kaura, seconded by Campbell. Motion carried.

c. **Review/Approval Lost Damaged Materials Policy.** Motion to approve by Ugolini, seconded by Bergeson. Motion carried.

11. President Items: None.

12. Adjournment: Motion to adjourn by Bergeson, seconded by Kramar. Motion carried. Meeting adjourned at 6:23 PM.

Next Meeting: Wednesday, December 2, 2022



Budget Report Account Summary

For Fiscal: 2022-2023 Period Ending: 10/31/2022

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 001 - GENERAL FUND						
Department: 410 - LIBRARY						
001-410-1-4500	FINES & FEES	3,700.00	3,700.00	284.89	1,632.66	-2,067.34 55.87 %
001-410-2-4465	CO CONTRIB LIBRARY-POLK CO AUD	36,000.00	36,000.00	10,989.00	21,978.00	-14,022.00 38.95 %
001-410-6010	SALARIES	179,361.73	179,361.73	11,330.78	92,130.45	87,231.28 48.63 %
001-410-6020	SALARIES-PART-TIME	103,108.36	103,108.36	1,838.54	19,573.54	83,534.82 81.02 %
001-410-6210	ASSOCIATION DUES	1,500.00	1,500.00	0.00	0.00	1,500.00 100.00 %
001-410-6230	TRAINING	600.00	600.00	0.00	150.00	450.00 75.00 %
001-410-6240	MEETINGS & CONFERENCES	3,500.00	3,500.00	0.00	2,935.62	564.38 16.13 %
001-410-6310	BUILDING & GROUND MAINTENANCE	15,000.00	15,000.00	0.00	1,214.50	13,785.50 91.90 %
001-410-6340	OFFICE EQUIPMENT REPAIR	200.00	200.00	0.00	0.00	200.00 100.00 %
001-410-6350	OPERATIONAL EQUIPMENT REPAIR	1,000.00	1,000.00	0.00	0.00	1,000.00 100.00 %
001-410-6371	ELECTRIC / GAS	24,000.00	24,000.00	1,598.00	6,392.00	17,608.00 73.37 %
001-410-6373	TELECOMMUNICATION EXPENSE	37,000.00	37,000.00	0.00	10,627.90	26,372.10 71.28 %
001-410-6411	LEGAL EXPENSE	1,500.00	1,500.00	0.00	157.50	1,342.50 89.50 %
001-410-6419	COMPUTER SUPPORT	8,000.00	8,000.00	0.00	89.50	7,910.50 98.88 %
001-410-6499	CONTRACT SERVICES	32,500.00	32,500.00	0.00	8,085.47	24,414.53 75.12 %
001-410-6502	PRINTED MATERIALS	40,000.00	40,000.00	0.00	14,223.64	25,776.36 64.44 %
001-410-6503	DIGITAL MATERIALS	20,000.00	20,000.00	0.00	10,194.26	9,805.74 49.03 %
001-410-6504	MINOR EQUIPMENT	2,000.00	2,000.00	0.00	1,142.48	857.52 42.88 %
001-410-6506	OFFICE SUPPLIES	6,000.00	6,000.00	0.00	1,672.24	4,327.76 72.13 %
001-410-6507	OPERATING SUPPLIES	1,000.00	1,000.00	0.00	344.37	655.63 65.56 %
001-410-6508	POSTAGE-SHIPPING	1,000.00	1,000.00	0.00	504.41	495.59 49.56 %
001-410-6580	MISCELLANEOUS	1,000.00	1,000.00	0.00	246.42	753.58 75.36 %
001-410-6599	LIBRARY PROGRAMS	8,000.00	8,000.00	0.00	3,340.80	4,659.20 58.24 %
001-410-6725	TECHNOLOGY REPLACEMENT	9,000.00	9,000.00	0.00	6,313.53	2,686.47 29.85 %
Department: 410 - LIBRARY Surplus (Deficit):		-455,570.09	-455,570.09	-3,493.43	-155,727.97	299,842.12 65.82%
Fund: 001 - GENERAL FUND Surplus (Deficit):		-455,570.09	-455,570.09	-3,493.43	-155,727.97	299,842.12 65.82%

Budget Report

For Fiscal: 2022-2023 Period Ending: 10/31/2022

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 167 - LIBRARY GRANT						
Department: 410 - LIBRARY						
167-410-2-4440	LIBRARY STATE AID	4,500.00	4,500.00	0.40	0.40	-4,499.60 99.99 %
167-410-2-4705	T/A-LIBRARY DONATIONS	1,500.00	1,500.00	32.85	17,210.65	15,710.65 1,147.38 %
167-410-4-4300	INTEREST - LIBRARY T&A	0.00	0.00	0.00	28.85	28.85 0.00 %
167-410-6506	TRUST & AGENCY LIBRARY EXPENSE	0.00	0.00	0.00	5,594.79	-5,594.79 0.00 %
Department: 410 - LIBRARY Surplus (Deficit):		6,000.00	6,000.00	33.25	11,645.11	5,645.11 -94.09%
Fund: 167 - LIBRARY GRANT Surplus (Deficit):		6,000.00	6,000.00	33.25	11,645.11	5,645.11 -94.09%

Budget Report

For Fiscal: 2022-2023 Period Ending: 10/31/2022

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 351 - LIBRARY CAPITAL						
Department: 410 - LIBRARY						
351-410-6799						
OTHER CAPITAL OUTLAY	0.00	0.00	0.00	8,039.70	-8,039.70	0.00 %
Department: 410 - LIBRARY Total:	0.00	0.00	0.00	8,039.70	-8,039.70	0.00%
Fund: 351 - LIBRARY CAPITAL Total:	0.00	0.00	0.00	8,039.70	-8,039.70	0.00%
Report Surplus (Deficit):	-469,570.09	-469,570.09	-21,733.18	-158,571.56	310,998.53	66.23%

Group Summary

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 001 - GENERAL FUND						
410 - LIBRARY	-455,570.09	-455,570.09	-3,493.43	-155,727.97	299,842.12	65.82%
Fund: 001 - GENERAL FUND Surplus (Deficit):	-455,570.09	-455,570.09	-3,493.43	-155,727.97	299,842.12	65.82%

Budget Report

For Fiscal: 2022-2023 Period Ending: 10/31/2022

Departmen...	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Remaining
Fund: 167 - LIBRARY GRANT						
410 - LIBRARY	6,000.00	6,000.00	33.25	11,645.11	5,645.11	-94.09%
Fund: 167 - LIBRARY GRANT Surplus (Deficit):	6,000.00	6,000.00	33.25	11,645.11	5,645.11	-94.09%

Bondurant Community Library
Library Board of Trustees
November 2, 2022
Warrant List

Company	Description	Budget Code	Invoice	Amount
Amazon	Books	001-410-6502	Statement	\$557.90
	Credit for books	001-410-6502	Statement	-\$25.19
	Library programs	001-410-6599	Statement	\$101.94
	Office supplies	001-410-6506	Statement	\$16.74
Baker & Taylor	Books	001-410-6502	2036987376	\$157.27
		001-410-6502	2036998621	\$695.99
		001-410-6502	2037007303	\$1,018.54
		001-410-6502	2037034511	\$183.06
		001-410-6502	2037042664	\$425.38
Demco	Office supplies	001-410-6506	7195107	\$202.68
	Door Counter	001-410-6504		\$353.40
Diam Pest Control	Pest control	001-410-6499	662548	\$75.00
Educational Development Corporation	Books	001-410-6502	DIR10376881	\$11.99
Findaway	Wonder books	001-410-6502	407197	\$52.24
	Wonder books	001-410-6502	407156	\$983.07
Hoopla	Digital Materials	001-410-6503	502756446	\$569.15
Klinker-Feld, Michell	Programming materials	001-410-6599	Receipts	\$36.36
Konica Minolta	Phone service	001-410-6373	202211084	\$339.25
Konica Minolta	Copier	001-410-6499	5022144793	\$229.36
Media Com	Phone service	001-410-6373	statement	\$111.45
MicroMarketing	audio books and large print	001-410-6502	898734, 898953, 900567, 900738	\$322.36
MidAmerican	Utilities	001-410-6371	531311588	\$1,598.00
Petty Cash	Postage	001-410-6508	Receipts	\$140.00
Stratus	Cleaning service	001-410-6499	5559630	\$851.56
Unique	Collection service	001-410-6499	6105517	\$23.30
US Cellular	Hot spot data	001-410-6373	539193499	\$478.39
Verizon	Hot spot data	001-410-6373	9917399303	\$3,402.28
	Equipment	001-410-6725		\$899.70
Visa	Covid-Zoom	170-130-6507	Statement	\$16.04
	Pizza for program	001-410-6599	statement	\$89.82
	Conference expenses	001-410-6240	statement	\$378.42
	Net Nanny	001-410-6725	Statement	\$54.99
Walmart	programming supplies	001-410-6599	statement	\$52.72
	programming supplies	001-410-6599	statement	\$87.92

Bondurant Community Library
Library Board of Trustees
November 2, 2022
Warrant List

Total Operating Expenses	\$14,475.04
COVID EXPENSES	\$16.04
Building Project Expenses	\$0.00
Trust and Agency Expenses	\$0.00
Total	\$14,491.08

Bondurant Community Library Board President
SIGNATURE

Date

Bondurant Community Library Board Secretary
SIGNATURE

Date



STAFF REPORT OCTOBER 2022

Michell:

- ILA Conference: Coralville, IA
- Learning Circuit: Disaster Plans at Johnston, IA

Megan S.:

- ARSL Conference Recording – “How Can I Help You?”
- School Library Journal - LGBTQIA+ Book Buzz

- School Library Journal - Day of Dialog
 1. Black Lives Matter
 2. Do the right thing
 3. Myth, Magic, and Romance
 4. Native Voices
 5. Sports as a Metaphore
 6. Conversation Starters
 7. Where there is a will, there is a way

- School Library Journal - 5 ways to increase non-fiction circulation
- State Library of Iowa - Kid's Lib (in-person)
- State Library of Iowa - Pop YS Live - SRP 2023 iReads Preview
- Infobase - Debunking & Prebunking: Strategies for Librarians to Combat Misinformation

Megan M.:

- ARSL Conference Recording – “How Can I Help You?”

Christina:

- ARLS Conference recording – “How Can I Help You?”
- ARLS Conference recording - “On Track with Readers’ Advisory”

Events in October:

- 16 Story Times at the Library
- 4 Sessions of Baby Story & Play
- 8 Sessions of Geri-Fit
- Stitch and Chat
- Book discussion for Adults
- Third Thursday at Hoover’s

- Coloring Night at Reclaimed Rails
- Books on Tap book discussion at Reclaimed Rails
- Alternative Homecoming
- After-School STEAM
- After-School Craft
- After-School BINGO
- After School Movie
- Book Club Grades 3-5
- Book Club Grades 6-8
- Book Club Grades 9-12
- Teen Advisory Group
- Open Crafts
- No-School Movie
- No-School Craft



Librarian items October 2022

- Director Sanders attended City Council on October 3 and October 17.
- Michell and I attended the Iowa Library Association's annual conference in Coralville on October 12 through the 14. An eventful conference to be sure. Once again, the conference had many great breakout sessions and nationally known speakers that covered topics from libraries being passport compliance facilities to auditing diversity in the library collection. I was honored to receive the 2022 Distinguished Leadership Award and well as a 20-year membership recognition. Very honored indeed.
- Michell and I also attended the State Library's Annual Learning Circuit in Johnston. This year's topic for learning is disaster preparedness.
- The Polk County Library Association is reaching the end of their 3-year contract with the Polk County Supervisors. The group meet here in Bondurant on October 25th to develop a contract proposal and to elect the Association officers. Kim Kietzman @ Altoona and I were elected co-chairs.
- Staff hosted booths at both the City's Spooktacular and the Chambers Business Safe Trick or Treat events. Both days had close to 500 attending. A great turnout.



22.7 CONFIDENTIAL RECORDS.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. This subsection shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records.

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 915.20A. However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the purchase of real or personal property for public purposes, prior to public announcement of a project.

8. Iowa department of economic development information on an industrial prospect with which the department is currently

negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. Personal information in confidential personnel records of the military division of the department of public defense of the state.

11. Personal information in confidential personnel records of public bodies including but not limited to cities, boards of supervisors and school districts.

12. Financial statements submitted to the department of agriculture and land stewardship pursuant to chapter 203 or chapter 203C, by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under section 17A.3. As used in this subsection disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the Iowa department of public health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided in section 76.10 or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, "*persons outside of government*" does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to section 515B.10, subsection 1, paragraph "a", subparagraph (2).

23. Information or reports collected or submitted pursuant to section 508C.12, subsections 3 and 5, and section 508C.13, subsection 2, except to the extent that release is permitted under those sections.

24. Records of purchases of alcoholic liquor from the alcoholic beverages division of the department of commerce which would reveal purchases made by an individual class "E" liquor control licensee. However, the records may be revealed for law enforcement purposes or for the collection of payments due the division pursuant to section 123.24.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to section 252.25.

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to this chapter. However, this

exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in chapter 252G, except to the extent that disclosure is authorized pursuant to chapter 252G.

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.31A. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to section 144.12A, except to the extent that the information may be provided to persons in accordance with section 144.12A.

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in chapters 86 and 216. Information in these confidential communications is subject to disclosure only as provided in sections 86.44 and 216.15B, notwithstanding any other contrary provision of this chapter.

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to section 556.11, subsection 2, included on claim forms filed with the treasurer of state pursuant to section 556.19, included in outdated warrant reports received by the treasurer of state pursuant to section 556.2C, or stored in record systems maintained by the treasurer of state for purposes of administering chapter 556, or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to section 556.2C.

33. Data processing software, as defined in section 22.3A, which is developed by a government body.

34. A record required under the Iowa financial transaction reporting Act listed in section 529.2, subsection 9.

35. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under section 321.189A.

37. Mediation communications as defined in section 679C.102, except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to chapter 216 shall be governed by chapter 216.

38. a. Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in chapter 554D.

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to chapter 554D.

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to section 202A.2.

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person

requests a record, whether the person using such computer makes the request through the IowAccess network or directly to a lawful custodian. However, such record may be released with the express written consent of the person requesting the record.

41. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports. However, medical examiner records and reports shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency, and autopsy reports shall be released to the decedent's immediate next of kin upon the request of the decedent's immediate next of kin unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Information regarding the cause and manner of death shall not be kept confidential under this subsection unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in section 523C.23.

43. Information obtained by the commissioner of insurance pursuant to section 502.607.

44. Information provided to the court and state public defender pursuant to section 13B.4, subsection 5; section 814.11, subsection 7; or section 815.10, subsection 5.

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the homeland security and emergency management division that was supplied to the division by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. However, the administrator shall make the list of assets available for examination by any person. A person wishing to examine the list of assets shall make a written request to the administrator on a form approved by the administrator. The list of assets may be viewed at the division's offices during normal working hours. The list of assets shall not be copied in any manner. Communications and asset information not required by law, rule, or procedure that are provided to the administrator by persons outside of government and for which the administrator has signed a nondisclosure agreement are exempt from public disclosures. The homeland security and emergency management division may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the administrator is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the division shall not disseminate the information without prior approval of the administrator.

46. Military personnel records recorded by the county recorder pursuant to section 331.608.

47. A report regarding interest held in agricultural land required to be filed pursuant to chapter 10B.

48. Sex offender registry records under chapter 692A, except as provided in section 692A.121.

49. Confidential information, as defined in section 86.45, subsection 1, filed with the workers' compensation commissioner.

50. Information concerning security procedures or emergency preparedness information developed and maintained by a government body for the protection of governmental employees, visitors to the government body, persons in the care, custody, or under the control of the government body, or property under the jurisdiction of the

government body, if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property.

a. Such information includes but is not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack.

b. This subsection shall only apply to information held by a government body that has adopted a rule or policy identifying the specific records or class of records to which this subsection applies and which is contained in such a record.

51. The information contained in the information program established in section 124.551, except to the extent that disclosure is authorized pursuant to section 124.553.

52. a. The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

(1) Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph "a", subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

c. Except as provided in paragraphs "a" and "b",

portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to this chapter.

d. This subsection does not apply to a report filed with the ethics and campaign disclosure board pursuant to section 8.7.

53. Information obtained and prepared by the commissioner of insurance pursuant to section 507.14.

54. Information obtained and prepared by the commissioner of insurance pursuant to section 507E.5.

55. An intelligence assessment and intelligence data under chapter 692, except as provided in section 692.8A.

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the Iowa department of economic development.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

a. An applicant's social security number.

b. An applicant's personal financial history.

c. An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to sections 523A.204 and 523A.502A.

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to chapter 556 concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information possessed by the office of energy independence, the Iowa power fund board, or the due diligence committee associated with the office and the board, relating to a prospective applicant with which the office, board, or committee is currently negotiating, or an award recipient, shall only be released as provided in section 469.6, subsection 6.

61. Information in a record that would permit a governmental body subject to chapter 21 to hold a closed session pursuant to section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to this subsection, or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, this subsection shall no longer apply. This subsection shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

62. Records of the department on aging pertaining to clients served by the office of substitute decision maker.

63. Records of the department on aging pertaining to clients served by the elder abuse prevention initiative.

64. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in section 533.501, subsection 3.

Section History: Early Form

[C71, 73, 75, 77, 79, 81, § 68A.7; 81 Acts, ch 36, § 1, ch 37, § 1, ch 38, § 1, ch 62, § 4]

Section History: Recent Form

83 Acts, ch 90, § 9; 84 Acts, ch 1014, § 1; 84 Acts, ch 1185, § 5, 6
C85, § 22.7

85 Acts, ch 134, §16; 85 Acts, ch 175, §1; 85 Acts, ch 208, §1; 86 Acts, ch 1184, §1; 86 Acts, ch 1228, §1; 87 Acts, ch 223, § 20; 88 Acts, ch 1010, § 1; 88 Acts, ch 1256, § 1; 89 Acts, ch 194, § 1; 89 Acts, ch 304, § 102; 89 Acts, ch 311, § 22; 90 Acts, ch 1017, §1; 90 Acts, ch 1271, §703; 92 Acts, ch 1212, § 3; 93 Acts, ch 79, §2; 93 Acts, ch 163, §27; 94 Acts, ch 1023, §76; 94 Acts, ch 1064, §1; 94 Acts, ch 1092, §1; 94 Acts, ch 1174, §1; 95 Acts, ch 100, § 1; 95 Acts, ch 129, § 1; 95 Acts, ch 191, § 1; 96 Acts, ch 1037, § 1; 96 Acts, ch 1099, § 16; 96 Acts, ch 1133, § 38; 96 Acts, ch 1150, § 1; 96 Acts, ch 1212, § 10; 97 Acts, ch 92, §1; 97 Acts, ch 159, §1; 98 Acts, ch 1062, §8, 9; 98 Acts, ch 1073, § 9; 98 Acts, ch 1090, § 59, 84; 99 Acts, ch 88, §1, 11, 13; 99 Acts, ch 146, §43; 2000 Acts, ch 1014, §1; 2000 Acts, ch 1140, §1; 2000 Acts, ch 1147, §27; 2000 Acts, ch 1161, §1; 2000 Acts, ch 1189, §25; 2001 Acts, ch 24, §17; 2001 Acts, ch 108, §1; 2002 Acts, ch 1038, §1; 2002 Acts, ch 1067, §13; 2002 Acts, ch 1076, §2; 2002 Acts, ch 1098, §1; 2002 Acts, ch 1117, §53, 56; 2003 Acts, ch 114, §1; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2004 Acts, ch 1091, §3; 2004 Acts, ch 1104, §4; 2004 Acts, ch 1147, §6; 2004 Acts, ch 1161, §65, 68; 2004 Acts, ch 1175, §462, 468; 2005 Acts, ch 19, §16; 2005 Acts, ch 68, §2; 2005 Acts, ch 168, §8, 23; 2006 Acts, ch 1054, §1, 2; 2006 Acts, ch 1117, §2; 2006 Acts, ch 1122, §1; 2006 Acts, ch 1127, §1; 2006 Acts, ch 1147, §1, 11; 2006 Acts, ch 1148, §1; 2006 Acts, ch 1185, §57, 58, 92; 2007 Acts, ch 37, §1; 2007 Acts, ch 62, §1; 2007 Acts, ch 126, §11; 2007 Acts, ch 175, §1; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1144, §2, 12, 13; 2008 Acts, ch 1191, §34, 99; 2009 Acts, ch 23, §6; 2009 Acts, ch 48, §1; 2009 Acts, ch 119, §33

Referred to in § 2C.9, 8E.202, 10B.5, 15.274, 21.5, 34A.7A, 68B.31, 68B.32B, 76.11, 87.11, 99G.34, 100.5, 124.553, 135.43, 135A.7, 135O.4, 136A.7, 147A.26, 166D.10, 202A.2, 203.11B, 203D.4, 206.23A, 232.149, 252G.5, 263B.10, 266.46, 266.47, 280.19A, 299A.11, 321.189A, 452A.33, 455B.117, 462A.7, 465C.14, 476.4A, 476.74, 477A.7, 515.103, 523A.204, 523A.502A, 523C.23, 556.24A, 692.8A, 692.18, 708.2B, 716.6B, 901.5B, 907.4, 915.90

Footnotes

Future repeal of subsection 39 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; 99 Acts, ch 88, §11

Subsection 60 takes effect May 7, 2008, and applies to requests relating to applications in process on that date; 2008 Acts, ch 1144, §12, 13

Subsection 61 does not apply to litigation before any court that was filed prior to July 1, 2008; 2008 Acts, ch 1191, §99

Previous Section [22.6](#) Next Section [22.8](#)



CHAPTER 21

OFFICIAL MEETINGS OPEN TO PUBLIC
(OPEN MEETINGS)

Referred to in §7C.13, §13.14, §15.106A, §15.107C, §15E.63, §16.2D, §20.17, §22.7, §28A.9, §28E.6, §28F.13, §28J.28, §28N.2, §49.4, §49.5, §68B.31A, §99G.4, §99G.8, §101C.3, §137.109, §148.7, §161A.47, §183A.5, §185.34, §216A.133A, §237.21, §256F.4, §256H.2, §256I.7, §261E.9, §272C.6, §279.15, §279.24, §279.38, §279.38A, §331.210A, §331.213, §331.234, §331.235, §331.238, §331.248, §331.399, §331.909, §358C.12, §373.3, §441.37A, §455A.20, §480.3, §602.2103, §679C.108

21.1	Intent — declaration of policy.	21.8	Electronic meetings.
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21.1 Intent — declaration of policy.

This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people. Ambiguity in the construction or application of **this chapter** should be resolved in favor of openness.

[C79, 81, §28A.1]

C85, §21.1

21.2 Definitions.

As used in **this chapter**:

1. “*Governmental body*” means:

a. A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order.

b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs “a” and “b” of **this subsection**.

d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities.

e. An advisory board, advisory commission, or task force created by the governor or the general assembly to develop and make recommendations on public policy issues.

f. A nonprofit corporation other than a fair conducting a fair event as provided in **chapter 174**, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to **chapter 99D** or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

g. A nonprofit corporation licensed to conduct gambling games pursuant to **chapter 99F**.

h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.

i. The governing body of a drainage or levee district as provided in **chapter 468**, including a board as defined in **section 468.3**, regardless of how the district is organized.

j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under **chapter 28E**, or by the administrator or joint board specified in a **chapter 28E** agreement, to develop and make recommendations on public policy issues.

2. “*Meeting*” means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social

purposes when there is no discussion of policy or no intent to avoid the purposes of **this chapter**.

3. “Open session” means a meeting to which all members of the public have access.

[C71, 73, 75, 77, §28A.1; C79, 81, §28A.2]

C85, §21.2

89 Acts, ch 73, §1; 90 Acts, ch 1175, §1; 90 Acts, ch 1271, §701; 91 Acts, ch 258, §26; 93 Acts, ch 25, §1; 2004 Acts, ch 1019, §1; 2009 Acts, ch 132, §1; 2009 Acts, ch 179, §31

Referred to in §21.11, §331.909

21.3 Meetings of governmental bodies.

Meetings of governmental bodies shall be preceded by public notice as provided in **section 21.4** and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in **section 21.5**, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

[C71, 73, 75, 77, §28A.1, 28A.5; C79, 81, §28A.3]

C85, §21.3

93 Acts, ch 25, §2

Referred to in §372.13

21.4 Public notice.

1. Except as provided in **subsection 3**, a governmental body shall give notice of the time, date, and place of each meeting including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information. Reasonable notice shall include advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.

2. a. Notice conforming with all of the requirements of **subsection 1 of this section** shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Special access to the meeting may be granted to persons with disabilities.

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

3. **Subsection 1** does not apply to any of the following:

a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.

b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting,

hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of **this section**.

[C71, 73, 75, 77, 79, 81, §28A.4]

C85, §21.4

96 Acts, ch 1129, §113; 2008 Acts, ch 1032, §201; 2011 Acts, ch 106, §4, 17

Referred to in §21.3, §21.8, §35C.1, §275.15, §282.11

21.5 Closed session.

1. A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.

b. To discuss application for letters patent.

c. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

d. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.

e. To discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student, unless an open session is requested by the student or a parent or guardian of the student if the student is a minor.

f. To discuss the decision to be rendered in a contested case conducted according to the provisions of **chapter 17A**.

g. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

h. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

i. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

j. To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

k. To discuss information contained in records in the custody of a governmental body that are confidential records pursuant to **section 22.7, subsection 50**.

l. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, "public hospital" means a hospital licensed pursuant to **chapter 135B** and governed pursuant to **chapter 145A, 226, 347, 347A, or 392**. This paragraph does not apply to the information required to be disclosed pursuant to **section 347.13, subsection 11**, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

2. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under **this section** shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

3. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.

4. A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session. The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce **this chapter**, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of **this chapter** for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of **this chapter**. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, except as otherwise required by law.

5. Nothing in **this section** requires a governmental body to hold a closed session to discuss or act upon any matter.

[C71, 73, 75, 77, §28A.3; C79, 81, §28A.5]

C85, §21.5

2002 Acts, ch 1076, §1; 2007 Acts, ch 63, §1, 2; 2008 Acts, ch 1191, §33, 99; 2009 Acts, ch 110, §1; 2011 Acts, ch 106, §5, 6, 17; 2013 Acts, ch 138, §114, 127

Referred to in §21.3, §21.8, §22.7, §97B.8A, §203.11B, §203D.4, §279.24, §388.9, §411.5

21.6 Enforcement.

1. The remedies provided by **this section** against state governmental bodies shall be in addition to those provided by **section 17A.19**. Any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or county attorney, may seek judicial enforcement of the requirements of **this chapter**. Suits to enforce **this chapter** shall be brought in the district court for the county in which the governmental body has its principal place of business.

2. Once a party seeking judicial enforcement of **this chapter** demonstrates to the court that the body in question is subject to the requirements of **this chapter** and has held a closed session, the burden of going forward shall be on the body and its members to demonstrate compliance with the requirements of **this chapter**.

3. Upon a finding by a preponderance of the evidence that a governmental body has violated any provision of **this chapter**, a court:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than five hundred dollars and not less than one hundred dollars. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated **this chapter** shall not be assessed such damages if that member proves that the member did any of the following:

(1) Voted against the closed session.

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of **this chapter**.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

b. Shall order the payment of all costs and reasonable attorney fees in the trial and appellate courts to any party successfully establishing a violation of **this chapter**. The costs and fees shall be paid by those members of the governmental body who are assessed damages under paragraph "a". If no such members exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful party from the budget of the offending governmental body or its parent.

c. Shall void any action taken in violation of **this chapter**, if the suit for enforcement of **this chapter** is brought within six months of the violation and the court finds under the facts of the particular case that the public interest in the enforcement of the policy of **this chapter** outweighs the public interest in sustaining the validity of the action taken in the closed session. This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of **this chapter** for which damages were assessed against the member during the member's term.

e. May issue a mandatory injunction punishable by civil contempt ordering the members of the offending governmental body to refrain for one year from any future violations of **this chapter**.

4. Ignorance of the legal requirements of **this chapter** shall be no defense to an enforcement proceeding brought under **this section**. A governmental body which is in doubt about the legality of closing a particular meeting is authorized to bring suit at the expense of that governmental body in the district court of the county of the governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

[C71, 73, 75, 77, §28A.7, 28A.8; C79, 81, §28A.6]

C85, §21.6

99 Acts, ch 9, §1; 2005 Acts, ch 99, §1; 2011 Acts, ch 106, §7, 17; 2012 Acts, ch 1115, §1, 17

21.7 Rules of conduct at meetings.

The public may use cameras or recording devices at any open session. Nothing in **this chapter** shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.

[C79, 81, §28A.7]

C85, §21.7

21.8 Electronic meetings.

1. A governmental body may conduct a meeting by electronic means only in circumstances where such a meeting in person is impossible or impractical and only if the governmental body complies with all of the following:

a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.

b. The governmental body complies with **section 21.4**. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.

c. Minutes are kept of the meeting. The minutes shall include a statement explaining why a meeting in person was impossible or impractical.

2. A meeting conducted in compliance with **this section** shall not be considered in violation of **this chapter**.

3. A meeting by electronic means may be conducted without complying with paragraph

“a” of **subsection 1** if conducted in accordance with all of the requirements for a closed session contained in **section 21.5**.

[C79, 81, §28A.8]

C85, §21.8

2007 Acts, ch 22, §11

21.9 Employment conditions discussed.

A meeting of a governmental body to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under **chapter 20** is exempt from **this chapter**. For the purpose of **this section**, “*employment conditions*” mean areas included in the scope of negotiations listed in **section 20.9**.

[81 Acts, ch 30, §1]

C83, §28A.9

C85, §21.9

21.10 Information to be provided.

The authority which appoints members of governmental bodies shall provide the members with information about **this chapter** and **chapter 22**. The appropriate commissioner of elections shall provide that information to members of elected governmental bodies.

89 Acts, ch 73, §2

21.11 Applicability to nonprofit corporations.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to **section 21.2, subsection 1**, paragraph “f”, only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to **chapter 99D**.

90 Acts, ch 1175, §2

FAIR LABOR STANDARDS ACT

SEE THE FOLLOWING LINK

WWW.gpo.gov/fdsys/granule/USCODE-2011-title29/USCODE-2011-title29-chap8