

Question: What guidelines have been established for providing the “tentative agenda” and reasonable notice of public meetings outlined in Iowa Code section 21.4?

Editor’s Note: This is a monthly column prepared by the Iowa Public Information Board to update Iowans on the IPIB’s activities and provide information on some of the issues routinely addressed by the board.



ANSWER: The standards of section 21.4 are the minimum notice requirements and posting 24 hours at the primary office of the governmental body. Advising citizens to listen to a certain radio station at a set time for information about an upcoming meeting is not “reasonable notice.” A “tentative” agenda must include more information than simply reciting such catchall items as “Approval of minutes; old business; new business,” or by using the same agenda for meeting after meeting.

The Iowa Supreme Court set forth some guidelines for meeting notices and tentative agendas. These include:

1. The content of a tentative agenda notice can be subject to change. A proper construction of the notice provision in section 21.4 allows discussion and action on emergency items that arise at a meeting for which proper notice was given. However, if action can be reasonably deferred to a later meeting, it should be.

2. The sufficiency of the detail on the tentative agenda will be viewed in the context of surrounding events. The Court said that the test for a tentative agenda was whether the information was reasonably sufficient to alert interested people as to the subject matter to be considered.

3. The Court also stated that a lack of wrongful intent to violate the open meetings law does not excuse non-compliance, affirming the legislative intent that ignorance of the legal requirements of Chapter 21 is not a defense against substantive violations.

In another decision, the Supreme Court revisited the issue of what constitutes an adequate agenda for a closed session, ruling that closed sessions of meetings subject to the open meetings law must not include issues not listed on the agenda. An agenda for a public meeting must specifically state any issues the board intends to discuss in closed session and discussing topics not noted on

the agenda violates the law.

A news medium or individual citizen cannot be restricted to having only the “tentative agenda” and “reasonable notice” of an upcoming public meeting. Material prepared for discussion at a public meeting is a public record under Chapter 22. Consequently, an individual may request copies of that material in advance of the public meeting. The individual might have to pay the costs for copying agenda material, as allowed in Chapter 22.

Opinions, rulings, FAQs, monthly columns, and training documents are available on the IPIB website – www.ipib.iowa.gov. Questions for the IPIB can be posted on the website, or at ipib@iowa.gov, or by calling 515-725-1781.

IPIB Facts and Figures

During the month of July 2016, 84 contacts were made with the Iowa Public Information Board office.

TYPE	JULY 2016	2016 YEAR-TO-DATE
Formal complaints	9	72
Advisory opinions	2	12
Declaratory orders	0	1
Informal complaints	8	55
Informal requests	64	384
Miscellaneous	1	5
TOTAL:	84	529

Who can contact the IPIB and how long does it take?

Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the website. So far, in 2016, 529 identifiable people have contacted the IPIB. Of these, 45% were private citizens, 41% were government officials or employees, and 14% were members of the media.

In the month of July 2016, 69% of the incoming contacts were resolved the same day, 14% were resolved in one to five days, and 17% were resolved in six or more days.