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David Yepsen, Des Moines

May 14, 2024

The Honorable Kim Reynolds
Iowa Capitol
1007 E. Grand Ave.
Des Moines, IA 50319

RE: House File 2539

Dear Governor Reynolds:

The Iowa Freedom of Information Council wants to make you aware of what we believe represents a serious erosion of Iowa's long history of open and transparent meetings by state and local government boards, councils and commissions.

In the final days of the 2024 session of the General Assembly, the House and Senate adopted an amendment to House File 2539 that creates an enormous loophole that would affect what constitutes a "meeting" under Iowa Code chapter 21.

We share the concerns that were expressed to you by Erika Eckley, executive director of the Iowa Public Information Board, in a letter dated May 3, 2024.

Instead of clarifying that members of government boards could attend events of political parties and civic organizations without violating Iowa's open meetings law, the actual language in the enrolled bill can be interpreted to not include the statute's existing prohibition on deliberation of public policy issues when government board members attend social or ministerial gatherings.

Such a change in the definition of a "meeting" is a serious erosion of chapter 21. For example, such a change opens



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the door for a quorum of members of a school board to gather at a chamber of commerce dinner and discuss and deliberate on their school district's curriculum or textbook acquisition policies. Or a majority of members of a city council could come together at a United Way reception and discuss changes to their city's standard agreement for development incentives.

House File 2539 also would increase the penalties for violations of the open meetings law. But the Iowa FOI Council believes that improvement in the statute does not outweigh the harm represented by the change in the definition of a public meeting.

For these reasons, we hope you will veto House File 2539 and will encourage the General Assembly to further consider these matters when the General Assembly convenes in 2025.

Respectfully,

A handwritten signature in black ink that reads "Randy Evans". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Randy Evans

Executive Director

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