

Thank you for the opportunity to meet with the Oversight Committee. As executive director of the Iowa Freedom of Information Council, and as a longtime Iowa journalist, let me start by tipping my cap to you and your colleagues in the House for the important work done so far with House File 2539 — which increases the penalties for officials who violate the public meetings law.

Sadly, such legislation is needed. Most government boards in our state — but certainly not all — comply with the requirements of the open meetings act. They do that not just because the General Assembly made its intent crystal clear when it first enacted the statute 50 years ago, but also because the statute's purpose remains quite simple:

Government in Iowa should conduct its business in public, where the citizens can observe, and understand, and engage with their elected and appointed officials on matters coming before our city councils, school boards, county boards of supervisors and many other bodies that serve the public interest and spend taxpayers' money.

Yet, the learning curve for many in government remains long and steep. In the 50 years since the open meetings law was enacted, I cannot remember an abuse of the letter and the spirit

of the open meetings law as egregious as that which occurred in Davenport starting last fall and continuing to the present.

It should trouble every tax-paying citizen of Iowa, and members of this General Assembly, that the city council and top administrators in Davenport city government worked out the details to pay nearly two million dollars in taxpayer money to three high ranking city employees in the weeks before the November city election — yet never thought to bring those settlement agreements before the city council for a public vote, as required by Davenport’s city code, until a month after voters cast their ballots.

It should trouble every tax-paying citizen of Iowa and the members of the General Assembly that the Davenport city attorney — the person who should know the open meetings law inside and out — said later a public vote was not needed because he had obtained the city council’s “consent” to sign these settlements on the city’s behalf.

How, when, and where did the city council give its consent to those settlements and those expenditures when its members never took a public vote on them during a public meeting prior to moving forward?

The open meetings law allows members of government boards to meet without the public being present for so-called ministerial purposes. But back where I come from in Davis County, spending two million dollars in taxpayer money is not some ministerial, housekeeping function that is treated so casually.

When your predecessors in the General Assembly first wrote the open meetings law fifty-some years ago, they laid out their intent in two clear sentences at the beginning of Chapter 21. Those two sentences say, *“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.”*

Despite that clear statement, Davenport officials forgot about the directive to resolve ambiguity in favor of openness. They forgot the part about ensuring citizens had the opportunity to understand the basis and rationale for the decision to pay almost two million dollars after three administrators quietly informed the council and city attorney of their desire to leave their jobs.

In the city election last November, Davenport voters re-elected the incumbent mayor and two incumbent members of the council. We will never know if the results of that election would have been different if voters knew before going to the polls of the city council's supposed "consent" to these lucrative payments.

This is why the Iowa Freedom of Information Council applauds the work of the House State Government Committee in seeking to reinforce with great clarity — and more meaningful consequences — that members of government boards will face enhanced penalties when they ignore or circumvent the requirements of Chapter 21.

Again, I want to thank the Committee for the invitation to speak to you today. I would be happy to answer your questions.