

Open Meetings/Open Records and Parliamentary Procedures for Boards and Commissions



Agenda



Open Meetings

- Definitions
- Compliance
- Open Session
- Minutes
- Closed Session
- Penalties for violation



Open Records

- Examination
- Timing (with a new piece of case law!)
- Fees, Supervision, and Policies



Parliamentary Procedures

- Definitions
- Meeting Types
- Meeting Structure
- Motions
- Voting Methods
- Conflicts of Interest

Entities Subject to Ch 21 & 22

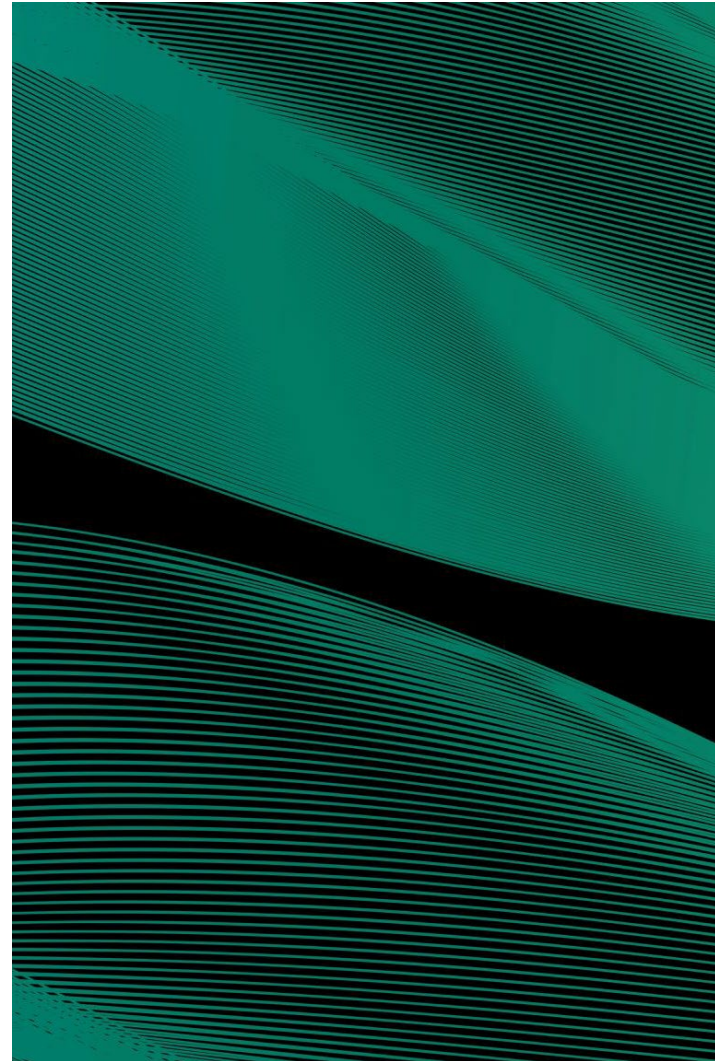
For Chapter 21- OPEN MEETINGS LAWS

- ~ 14,000 elected officials, including county board of supervisors, auditors, assessors, attorneys; city councils, school boards, township trustees, drainage districts, etc.

Appointed officials: boards and commissions, libraries, etc.

For Chapter 22- OPEN RECORDS LAWS

- All of above plus employees of all agencies, local governments, schools, 28Es, etc.



Open Meetings

- Meetings of governmental bodies shall be:
 - Preceded by public notice
 - Conducted and executed in open session
 - Recorded in minutes
- “Ambiguity in the construction or application of this chapter should be resolved in favor of openness.” (Iowa Code Chapter 21.1)



Defining a Government Body

- **Governmental Bodies are:**

- Boards, Councils and Commissions created by law or appointed by other governing bodies
- Bodies created by the Board of Regents or a president of a university
- Advisory boards, advisory commissions, and task forces created by state or local governments to develop and make recommendations on public policy
- Non-profit corporations (other than a fair) who are supported with property tax revenue and licensed to conduct pari-mutual betting
- Non-profit corporations licensed to conduct gambling games pursuant to chapter 99F
- Governing bodies of drainage or levee districts
- Advisory boards, advisory commissions, advisory committees, task forces created through 28E agreements or by statute or executive order of state or subdivision to develop and make recommendations on public policy
- County Conservation Boards are created by county boards of supervisors and are therefore governmental bodies.
 - Iowa Code 350.2(1)



Does the definition apply to task forces, or subcommittees?



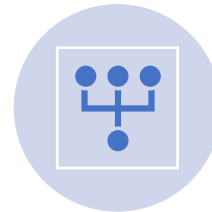
If membership includes a quorum of the main body, the group is likely to be covered by the law.



The Iowa Supreme Court has said that policy-making “is more than recommending or advising what should be done. Policy-making is deciding with authority a course of action.” If they are acting within scope of duty to develop and make recommendations *Mason v. Vision Iowa Bd.*, 700 N.W.2d 349 (Iowa 2005).



“Advisory bodies created by school boards and county boards of supervisors and other governmental agencies by executive order to develop and make recommendations on public policy issues” are subject to the provisions of the open meetings law. 1993 Iowa Op. Att’y Gen. 59 (1993).



Deliberation occurs- “If the members of the governmental body engage in any discussion that focuses at all concretely on matters over which they exercise judgment or discretion.” *Hutchison v. Shull*, 878 N.W.2d 221, 231 fn. 1 (Iowa 2016).

Discussion

Your county's Conservation Board has created an ad hoc subcommittee of its members to find new space to lease for the county conservation center.

Is this subcommittee a “government body”?

What information do you need to make that determination?

Meeting

“Meeting” means a:

1. **gathering**
 - a. in person or by electronic means
 - b. formal or informal
2. of a **majority of the members**
3. where there is **deliberation or action** upon any matter within the scope of the governmental body’s **policy-making duties**



Electronic Meetings

- Amendment to Iowa Code section 21.8 (eff. 7/1/24)
- “A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings.”
- No longer any requirement to state in the minutes why an in-person meeting was impossible or impractical.
 - **“Hybrid meeting”** means a meeting involving both remote participation and in-person participation by members.
 - **“Remote participation”** means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.
 - **“Teleconference participation ”** means participation using audio conference tools involving multiple participants in at least two separate locations.
 - **“Virtual meeting”** means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

Discussion

Two members of Your County's Board spend a couple months a year in their timeshares in Florida and California. Unfortunately, this coincides with a very busy time of the year for the Board!

Can they both call in for meetings?

What do you need to consider?

Discussion

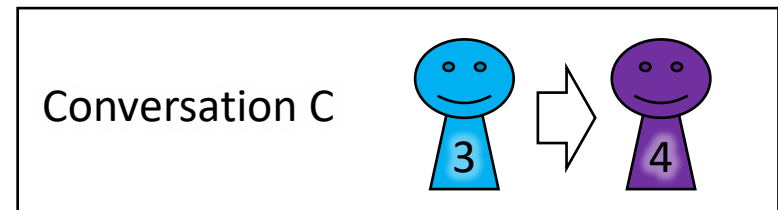
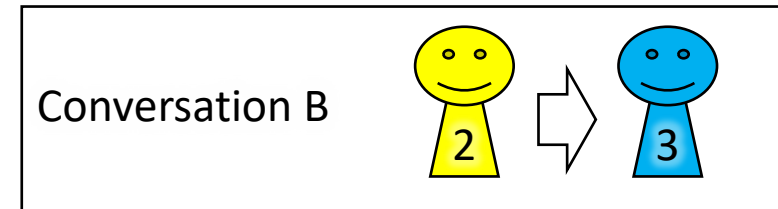
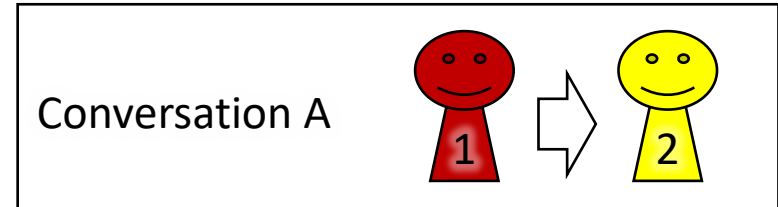
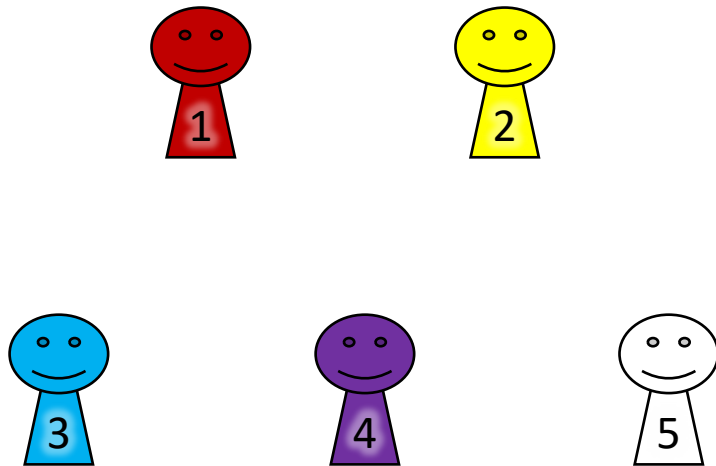
- **Parliamentary procedure:** Do your own rules allow electronic participation?
- **Discussion:** Any member participating electronically must be clearly audible to the public. The member must also be able to hear all discussion and have access to all evidence presented.
- **Voting and minutes:** The vote of any member participating electronically must be made public at the open session and it should be indicated in the minutes that they participated electronically.

Meeting

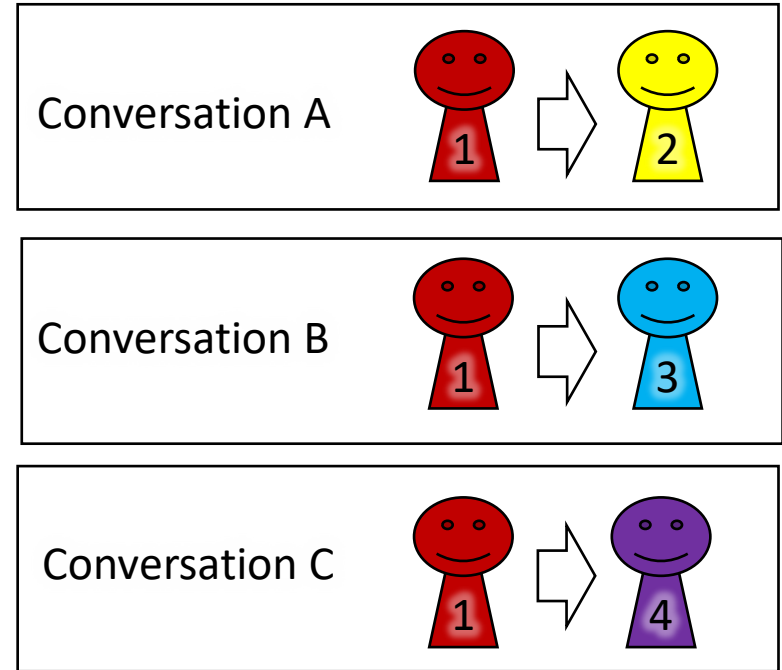
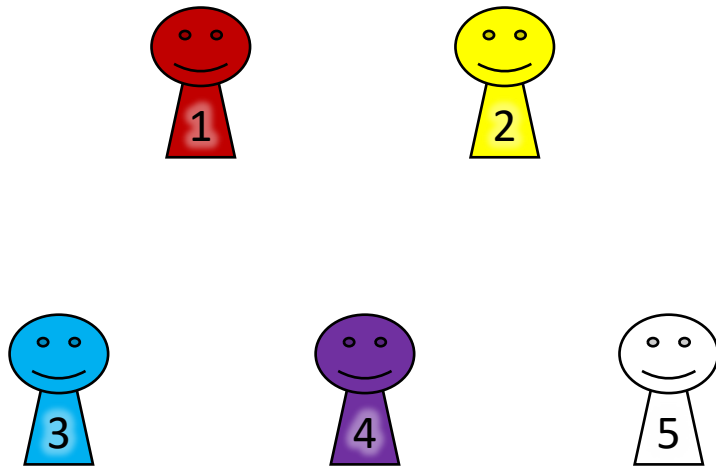
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3. where there is deliberation or action upon any matter within the scope of the governmental body’s policy-making duties

Serial meeting



Walking Quorum



Discussion

Your county's Board is having some budget difficulties and the Board members have decided they need to eliminate 3 jobs to stay afloat. They know choosing the unlucky staffers will be controversial. To avoid discussing this in public, each Board member discusses individually with the County Director. Eventually they have made their decision. In an open meeting they make the cuts.

Did they violate the law?



Discussion

- *Hutchison v. Shull* (2016)
 - Iowa Supreme Court case
 - Members of a governmental body cannot use an agent or a proxy to get around the law!
 - Each of the members speaking individually with a third party to avoid discussion in a public meeting (to purposely evade the law) counts as a violation of the law.



Meeting

“Meeting” means a:

1. gathering
 - a. in person or by electronic means
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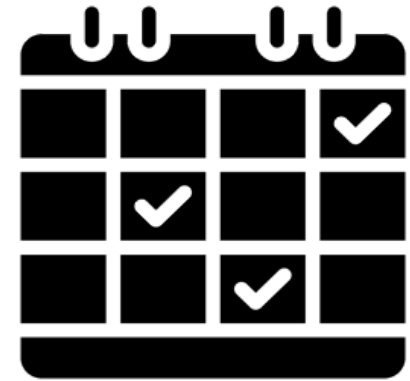
Conversation that is not necessarily a “meeting”



Sports



Entertainment



Administration
or logistics

Email



Relevant information or administrative matters are fine.



Save discussion and opinion of any subject for open meetings.



Electronic communication concerning public business is a public record no matter who owns the device used.

Texts, Facebook messages, and other app-based messengers services are electronic communications too.

Open meetings

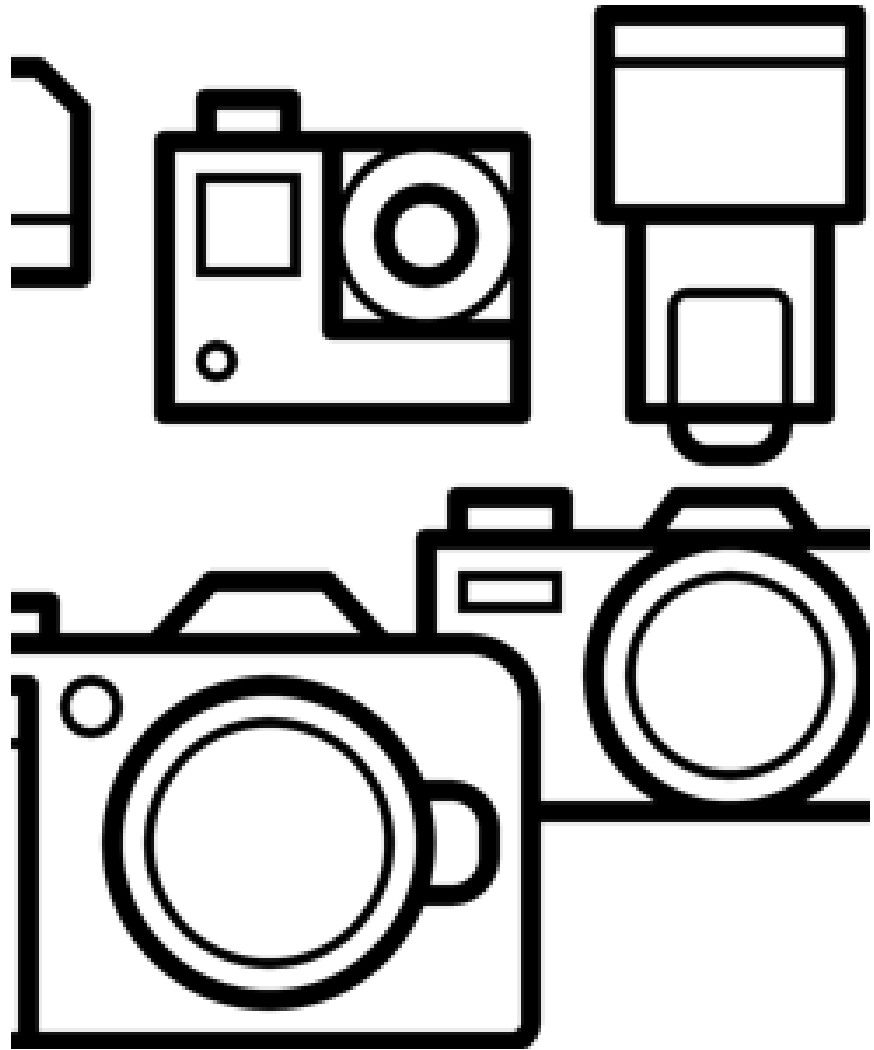
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- “Ambiguity in the construction or application of this chapter should be resolved in favor of openness.”
 - Iowa Code Chapter 21.1

Public Notice

- Includes time, date, location, and tentative agenda
- In a prominent place
- Notice of the meeting must be sent to any news organization or member of the public requesting it
- Posted at least 24 hours in advance
 - except in an emergency or other good cause, which must be stated in the minutes
- This will generally be handled by staff

Open Session

- Public should have access to the entirety of the session
 - Special access to the meeting may be granted to persons with disabilities.
- The public may use cameras or recording devices.
- You still may enforce rules of decorum and remove unruly participants



Minutes

- Minutes should contain at a minimum
 - Date, time, and place
 - Members present and the action taken at any meeting
 - Votes by each member must be noted individually
- Minutes become public record as soon as they are complete and must be published as required by law, in the appropriate newspaper.
 - Although not a substitute, minutes may be available online as well.

Do members of the public have the right to speak at an open meeting?



While most bodies have a time noted on their agendas for public comment, members of the public have no right to participate in the discussion of an item unless they are on the agenda.



Comments made do not have to be placed in the minutes. Minutes only need to include the actions taken and other information required in Iowa Code chapter 21.



Iowa Code 21.7 allows a governmental body to make and enforce reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators. **BUT, make sure this is uniformly enforced and not based on the content of the message.** See *Peterson v. City of Newton*

Closed sessions

- Meetings of governmental bodies shall be:
 - Preceded by public notice
 - **Conducted and executed in open session**
 - Recorded in minutes
- This means **all** meetings of a governmental body must be open to the public unless the item for discussion falls **squarely** within one of the twelve reasons for going into closed session enumerated in Iowa Code 21.5.

Closed Sessions

- Closed sessions may be held **only** by the vote in open session of **two-thirds** of the members of the body or all members present and only after citing one of the following reasons
 - To review or discuss a record which is required or authorized by state or federal law to be kept confidential or as a condition to retain federal funding.
 - To discuss application for a patent.
 - To discuss strategy with counsel on matters that are currently or may imminently be in litigation.
 - ***Note- counsel must be identified and must be present in some capacity.***
 - To discuss contents of a licensing examination, initiate disciplinary investigation or proceeding if the body is involved with licensing or examining.

Closed Sessions

- To conduct a hearing or discuss whether to conduct a hearing to suspend or expel a student unless the student and/or parent wants the meeting to remain open.
- To discuss the decision to be rendered in a contested case.
- To avoid disclosure of specific law enforcement matters which if disclosed would enable law violators to avoid detection or facilitate disregard of requirements imposed by law.
- To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered. **The individual must request a closed session.**
- To discuss the purchase or sale of real estate. The minutes and audio recording of the closed session shall be made available when the transaction is dropped or completed. (j) [this section may require an entity to retain the closed session records longer than as required in 21.5]

Closed Sessions

- To discuss records concerning security procedures and emergency preparedness for the protection of government employees, visitors, people under the care and protection of the government and its property.
 - To discuss patient care quality and process improvement initiatives in a meeting of a public hospital that if disclosed might harm the hospital's competitive position.
- Other sections of the Iowa Code may permit a government agency to close a meeting OR exempt meetings from the requirements of the open meetings law. (For example, Iowa Code § 279.15 exempts some meetings and records involving the termination of a teacher.)

Procedure During Closed Session



No additional topics can be discussed.

The purpose and topics for the closed meeting must be the same

Recent district court case- Dewitt School Board

- “The scope of the meeting was breathtaking in contrast to its stated purpose.”



The session must be recorded and “detailed minutes” must be taken. These records must be retained for at least one year and are not public record.



Members who would have otherwise had access to the closed session may get access to the closed session recording and minutes.



Final action must happen in open session.



Nothing in Iowa Code 21 *requires* a governmental body to hold a closed session to discuss or act upon any matter.

Requirements for a closed session



Pass a motion by a vote of two-thirds of members



State in the minutes the reason for the closed session



Keep minutes during the closed session with details of all discussions, persons present and actions taken



Record audio or video of the closed session, and retain for at least one year after the date of the meeting



Discuss only what is on the agenda



Vote on the issue discussed in the public session

Exempt sessions

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:

- wages,
- hours,
- vacations,
- insurance,
- holidays,
- Leaves of absence,
- Shift differentials,
- Overtime compensation,
- Supplemental pay,
- seniority,
- Transfer procedures,
- Job classifications,
- Health and safety matters,
- Evaluation procedures,
- Procedures for staff reduction,
- in-service training,
- grievance procedures for resolving any questions arising under the agreement, and
- Other matters mutually agreed upon

Discussion

- Your county's Conservation Board is beginning to discuss the issue of prairie restoration planting schedules. It is proving to be a hotly contested topic. The Board requests that the public leave the meeting so they can discuss in private before deciding.
- Is this appropriate?

Open Records

- Each body must designate a “lawful custodian” and publicly announce who holds that responsibility.
- All governmental bodies, officials and employees are covered by Chapter 22- public records.
- “Record” includes:
 - documents, tape or other information stored or preserved in any medium of or belonging to a governmental body
 - including electronic communication such as e-mails, websites, or texts
 - all records relating to the investment of public funds

Kirkwood Institute v. Sand

In *Kirkwood Institute v. Sand*, No. 23–0201 (Apr. 26, 2024)-

The court held that a factual issue was created about whether the delay in producing the records request was reasonable when the auditor’s office failed to provide an email thread sent from an employee’s personal email to a reporter.

Personal emails are public records

The email thread was related to the government body’s business and was a public record.

Examining Open Records

- Any member of the public can view, photograph, or copy a record in the possession of the custodian without charge. This includes records stored by a private company that has been contracted by the governmental entity for the purposes of storage, etc.
- Some (limited) exceptions:
 - A governmental body may place reasonable terms, conditions, rates, and procedures for records on a geographic computer database.
 - A governmental body also does not need to provide access to data processing software developed by the body or a nongovernmental entity contracted by the body for the development of such software.

Examining Open Records

- Timing
 - Normal business hours
 - If the custodian isn't in the office at least 30 hours a week, a member of the public can request a time between 9am and 12pm or 1pm and 4pm Monday through Friday, excluding holidays, unless the person and the custodian agree to a different time.

Exceptions to Open Records

- Too many to list out here, so the important thing to do is know what records you have and know which laws relate to them.
- Examples:
 - Medical records
 - The work product of an attorney related to litigation or claim made by or against a public body
 - Appraisal information concerning the sale or purchase of real estate for public purposes before the execution of contract
 - Information concerning the location and nature of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure will result in unreasonable risk of damage to or loss of the resource or site where the resources is located.
 - Information concerning the location and nature of any ecologically sensitive site if, in the opinion of the director of the IDNR and the state ecologist, disclosure will result in unreasonable risk...

Response Time for Records Requests

- Records should be provided as soon as is practically possible.
- Good faith delays are permissible if used to determine whether a record in question is confidential.
 - This should not exceed 10 business days and may not exceed 20 calendar days.
- About that court case from a few months ago...

Bellin et al. v Reynolds

- Iowa Supreme Court case that claimed a violation for failing to produce records or failure to produce them in a "timely" manner
- The Court stated that extensive delay can-on its own merit- establish an implicit refusal to provide records under Chapter 22

Bellin et al. v Reynolds (Iowa 2023)

Relevant inquiries may include:

- How promptly were the requests made and were follow up inquiries acknowledged?
- Were assurances of intent to provide records made?
- Explanations about why records not immediately available
- Producing records on a rolling basis as available
- Updates provided to requester
- Information provided about when to expect records

Fees & Supervision of Open Records

- The custodian can charge fees for the fulfillment of requests if those fees do not exceed the actual costs of providing the service and cannot include ordinary expenses like employee benefits, electricity, etc.
- The custodian shall:
 - adopt reasonable rules to safeguard the records
 - provide a space that is reasonable for doing the work of copying or photographing the records, and must supervise the work
- Requests do not have to be made in person and can be made by writing, telephone, or electronic means.

Best Practices for Policies

- It is strongly encouraged that agencies create written policies that:
 - Define the nature and extent of personally identifiable information collected by the agency
 - Describe which records are public, confidential, or a mixture
 - Delineate procedures for handling records requests
 - Create a process for the subject of a confidential record to grant permission to release that record to a third party
 - Create a process for the subject of a public record to review that record and have additions, dissents, or objections entered into that record, unless otherwise prohibited

Penalties

- The law provides for civil lawsuits.
- A court can issue an injunction ordering a government body to comply, assess damages between \$100 and \$500, order payment of costs and attorney fees, and remove repeat violators from office. If a member of a governmental body knowingly participated in a violation, damages increase to \$1,000-\$2,500. (Section 22.10(3)(b))
- Ignorance of the law is not a defense, but damages will not be assessed against officials who
 - voted against the violation,
 - refused to participate in the violation,
 - engaged in efforts to resist the violation, or
 - relied upon a formal opinion of the attorney general, the advice of an attorney provided in writing or memorialized in a meeting or the Iowa Public Information Board. (Section 22.10(3)(b))

Iowa Public Information Board

- Independent state agency with the authority to advise on and enforce state law (one of few in the nation with enforcement powers)
- Can issue declarative orders and investigate complaints about violations.
- Cases can be brought before the board or in district court in the county in which the alleged violation took place.
- They also offer trainings on this topic.

What is Parliamentary Procedure?

Set of well proven rules designed to move business along in a meeting while maintaining order and controlling the communication process.

In short:

Provide structure
and order

Get business
done and resolve
issues in a
predictable
fashion

Ensure fairness

Have you ever had any of these thoughts after a meeting...

- Well, that took twice as long as it should have.
- I couldn't get a word in edgewise!
- That discussion went on forever!!
- We never even voted on what we were supposed to vote on!
- What was the final decision anyway?
- Well, that went off track.. 😞

What are some of the pain points that come to mind based on your own experience?

Now think about a well-run meeting. What comes to mind when you think of that experience?

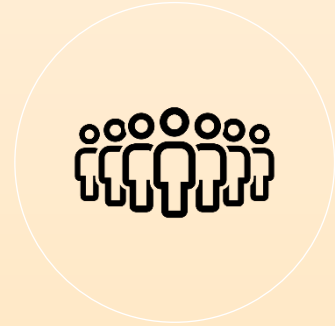
Why are Rules Necessary?



Important for accomplishing tasks in an orderly, democratic fashion.



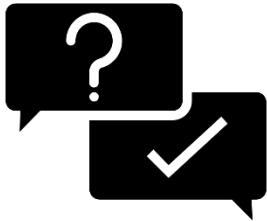
Especially necessary with controversial issues.



Helps a group remain focused on objectives and reach decisions while allowing everyone to participate and be heard.

Questions for Discussion:

1. Does your board have adopted Rules of Procedure?
2. What questions do you have about using parliamentary procedures?



Types of Meetings

- Regularly Scheduled - Routine
- Special - Emergency
- Workshops or Work Sessions –Held with staff and others to discuss or clarify items on future agendas
- Other - Electronic meetings, Meetings where there may be a quorum in attendance but NOT a Board meeting

What Constitutes a Quorum?

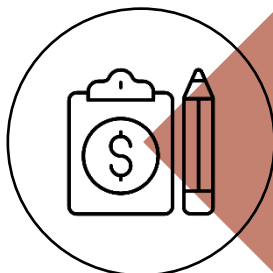
- Your by-laws should tell you how many members must be present at a meeting in order to officially conduct business. Quorum is typically one person more than half of the total of membership.
- When in doubt, a quorum check can be called at any time.



Basic Meeting Structure



Chair: One person, or a chair is chosen to preside over the meeting to enforce the rules and designate who may speak at any given point in time.



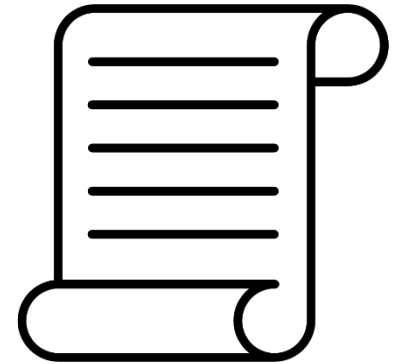
Secretary or Clerk: One person is designated to make a written record of the meeting, or to take minutes.



Quorum: Minimum number of members who must be present to conduct business, usually a majority.

Role of the Chair

- Open the Meeting
- Announce the Next Item on the Agenda
- Recognize Members for Speaking
- State Questions Put to a Vote and Announce Result
- Protect the Members from Wasting Time
- Enforce Order and Decorum
- Expedite Business
- Decide on Questions of Order
- Respond to Inquiries on Procedures or Facts
- Authenticate Documents
- Close Meeting



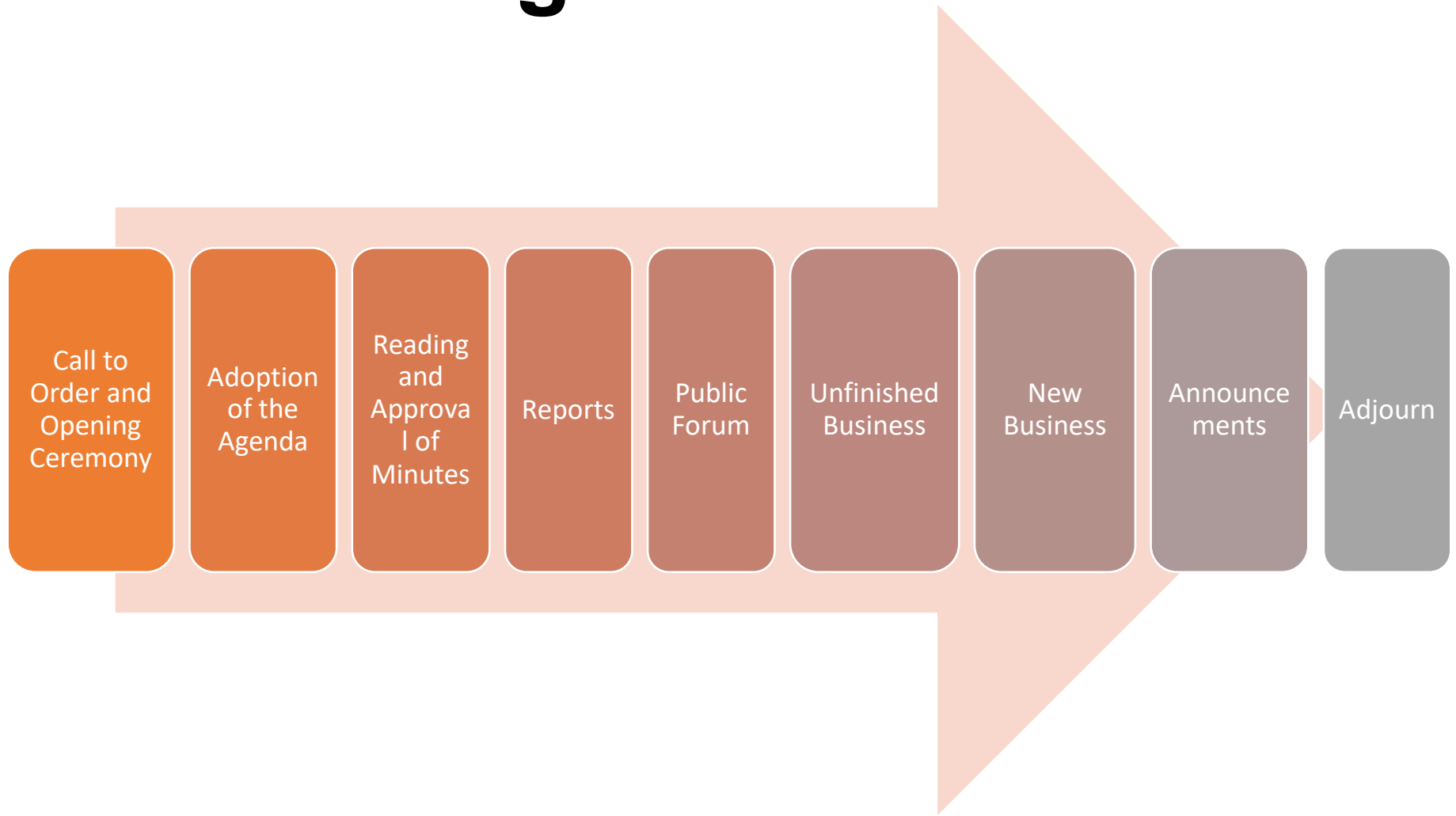
Special Note on the Chair

The success of the meeting resides in the hand of the chair.

The chair has absolute control over running the meeting and recognizes speakers, counts votes, approves motions and keeps time.

The chair is impartial in nature.

Standard Agenda



Questions for Discussion

- Who decides what goes on the agenda?
- During the meeting, when is the appropriate time to add something to the agenda?

Order of Business: Motions Types

Privileged Motions:

- Deal with a special matter, but not pending business

Subsidiary Motions:

- Deal directly with business at hand

Incidental Motions:

- Changes the procedure for handling a motion

Bring-back Motions:

- Introduction of previously decided business

Handling Motions with Confidence

What is a Motion?

To begin the process of making a decision, a member makes a motion for a proposal so the group membership can take a certain action.

The Basics of a Main Motion

Motion

Debate/
Discussion
(or Amend)

Vote
(Pass or
Fail)

Steps to a Main Motion

1. A member makes a motion.
2. Another member seconds the motion.
3. The presider states the motion.
4. Members debate the motion and amend if they wish to.
5. When the discussion is concluded, the presider restates the motion and calls for a vote.
6. Members vote.
7. The presider states the result of the vote, whether it passes or fails and what will happen as a result.
8. The presider states the next item of business.

Motions... the details

Ask to be recognized. State: **“I move that...”**

- It is very important to be precise as your board votes on exact language.
- Writing it down in advance is helpful. Complex motions should always be written down.
- After the motion is stated, wait for a second.
- Once a motion has a second, the presider will state the motion, and put it “on the floor” for debate, which means discussion on the merits of the question (or motion).

Considering a Motion

- The presider normally turns to the maker of the motion to see if he or she wishes to elaborate on the motion.
- The presider then asks for further discussion (round robin is most efficient to allow each member a chance to speak).
- When no further debate, the presider “puts” the question before the group and call for “those in favor of the motion, say **aye** and those opposed say **no.**”
- If the voice vote is unclear, a show of hands may be called.

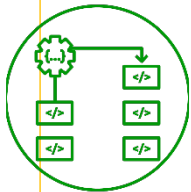
Amendments



Amendments aim to change the main motion or improve it.



Amendments are created when words are added, inserted, struck from the motion, or substituted.



Amendments must be “germane” or related to the main motion. If there is a question, the president, decides whether an amendment is relevant.



Amendments need a second, can be debated, can be amended, and require a majority to pass.



Amendments are discussed and voted on before the main motion in order to make the main motion as good as it can be, or to “perfect” the motion.

Sample Amendment Process

Motion: “I move that we buy a new table for the conference room.”

Second to Motion: “I second the motion.”

Chair: “There has been a motion and a second to buy a new table for the conference room.”

Move to Amend: “I move to amend by inserting, ‘not to exceed \$500’ at the end of the motion.”

Second to the Amendment: “I second the amendment to the motion.”

Chair: “This motion has been moved and seconded. This measure is now up for debate.”

Order of Motions

All motions are NOT created equal

- When a motion is made, no other business can be considered until that motion has been disposed of, or a motion of a higher order has been proposed, seconded and accepted by the chair.

Motions are ranked in order of importance

- Privileged Motions
- Subsidiary Motions
- Incidental Motions

Privileged Motions

- Deals with the meeting environment: the time, agenda, meeting room comfort, and the rights and behaviors of individuals. Does not concern matters related to pending business.
- Common privileged motions:
 - Fix the Time to Adjourn
 - Recess
 - Adjourn



Subsidiary Motions

Deals directly with the business at hand and affects how the main motion is handled. Allows a structured way to make decisions on a specific item. Most common:

- Table a Motion
- Previous or “Call” the Question (End Debate)
- Limit or Extend the Limits of Debate
- Postpone Debate or a Vote to a Certain Time
- Refer the Motion to Committee
- Amend
- Postpone Indefinitely

Question for Discussion



What are examples of when you might want to:

- Table a motion
- Call the question
- Postpone a motion
- Refer to a committee

Incidental Motions

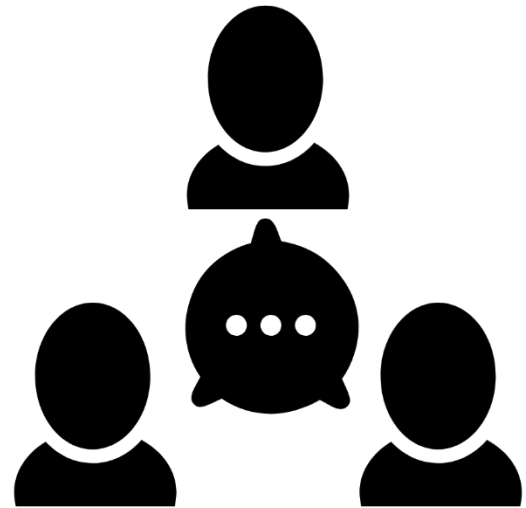
These are motions that can be made at any time. The most common are:

- Point of Order
- Request for Information
- Request for Permission to Withdraw a Motion

Question for Discussion

What are examples of when you might want to:

- Make a Point of Order
- Request Information
- Withdraw a Motion



Bring-back Motions

Allow a body to consider again the merits of a question that has been previously considered and disposed of in some way.

- **Take from the Table:** Brings back a pending item.
- **Rescind (or Amend) Something Previously Adopted:** Allows a change of an action previously taken.
- **Reconsider:** Allows the group to re-open a motion that has already been voted on. If this motion to reconsider passes, the matter is up for debate again. Only a member who voted in the majority may make a motion to reconsider. Reconsideration may only be made during the same meeting as the original motion.

Time to Reconsider...?

The motion to change the name of a road has been voted on and passed 4-1. Board Member A was the only dissenter and spoke passionately against the proposal however the meeting moved on. Board Member B has a change of heart and wants to revisit the issue.

Board Member B: I move that we reconsider the naming of Jackson Road.

Board Member A: I second the motion

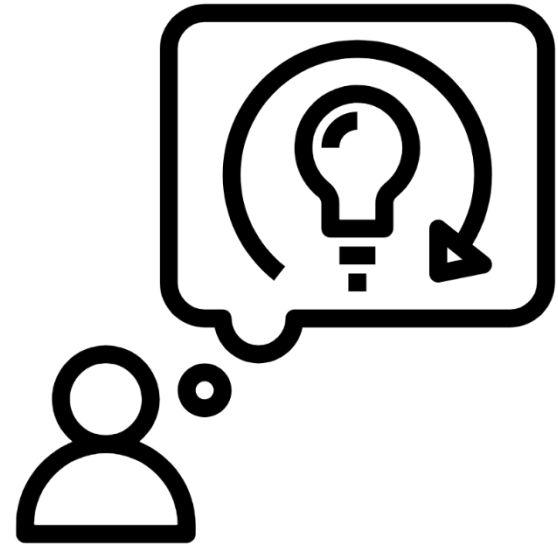
Chair: There is a motion and a second. I recognize Board Member B to speak in support of this motion.

Discussion

Question for Discussion

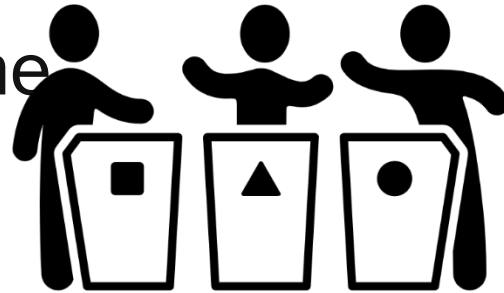
What are examples of when you might want to:

- Take from the Table
- Rescind a Motion
- Reconsider a Motion



Guidelines for Debate/Discussion

- All Members have an equal right to speak and make motions.
- Nonmembers do not have the right to speak or make motions.
- One subject discussed at a time.
- One person speaks at a time.
- No interrupting.
- Courtesy and respect are required at all times.
- No one may speak a second time until everyone who wishes to speak has spoken once.



Special Rules for Small Boards

The presider may participate in debate.

Informal discussion without a motion is allowed (while no motion is pending).

Members must seek recognition from the presider.

Motions need not be seconded, but are recommended.

Members may speak to one another although best practice is to address the chair.

There is no limit to the number of times a member may speak.

Speeches should be limited in time to facilitate efficient meetings.

Question for Discussion

What are some of the issues you run into as a small board?



Decorum “according to Robert”

- Remarks must be relevant to the topic at hand.
- Members may not speak about the motives of others.
- Do not argue.
- Use neutral language (avoid inflammatory words such as fraud, lie, etc.)
- A member should not speak against his or her motion (this should actually be done by withdrawing the motion).
- A member may not explain the vote while voting (this should be done during debate for sake of efficiency).
- A member may not criticize a prior action of the group.
- A member must support the group.

Voting Methods

Majority Vote

- More than half

Two-Thirds

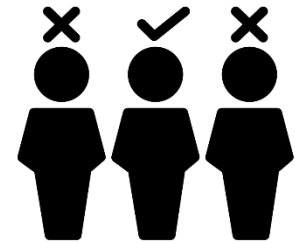
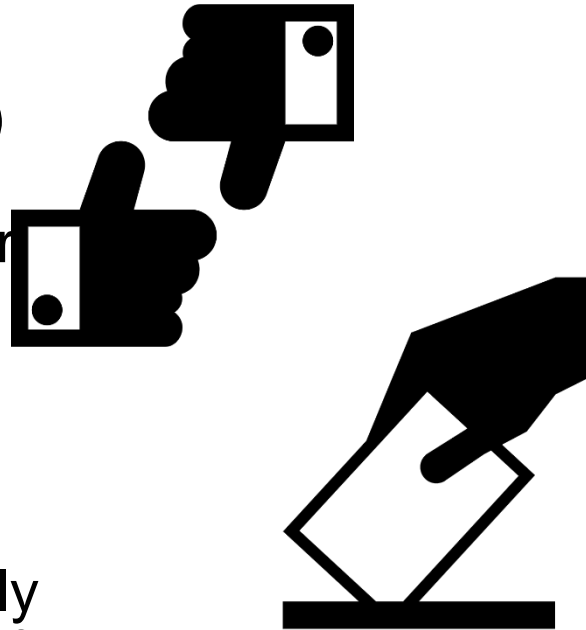
- Sometimes referred to as a supermajority

Unanimous consent

- Use for routine matters, such as calling a recess, and on non-controversial agenda items on a “consent agenda,” which allows for a more efficient and streamlined handling of items. Items may be “pulled off the consent agenda” for later discussion by a member if desired.

Counting Voting

- Voice Votes (Ayes/Nays)
– Most Common
- Show of Hands – Use for controversial votes or if uncertain
- Votes must be recorded in the minutes.
- Votes by each member must be noted individually but a unanimous vote can be so noted as long as all present vote.



Conflict of Interest

What is a Conflict of Interest:

- A direct personal or pecuniary (monetary) interest in a motion that is not common to other members.
- May not be possible in case of small boards, in which case disclosure is key. Always consult your Attorney!

How to handle a Conflict of Interest (real or perceived):

1. Disclose the conflict
2. Request a recusal from voting
3. Vote taken by board
4. Leave the room

Question for Discussion: Case of a Conflict?

Board Member Jones owns a small business on 4th Avenue. The Board will be voting on funding road improvements that will improve access to 4th Avenue and possibly increase business from off the interstate. Ms. Jones is concerned that she may have a conflict of interest and should recuse herself from voting.

Does Member Jones have a conflict of interest?

Recusal/Abstention

- Board members may wish to recuse themselves or abstain from voting if they feel they have a possible conflict of interest.
- Members must state their reasons.
- Members should not abstain from voting simply because of a controversy.

Question for Discussion

The Board is voting on a resolution to approve a maintenance contract with Larry's Lawn Service.

- Two Board Members vote “aye”
- One votes “no”
- One is not in attendance
- One abstains because Larry is the member's brother.

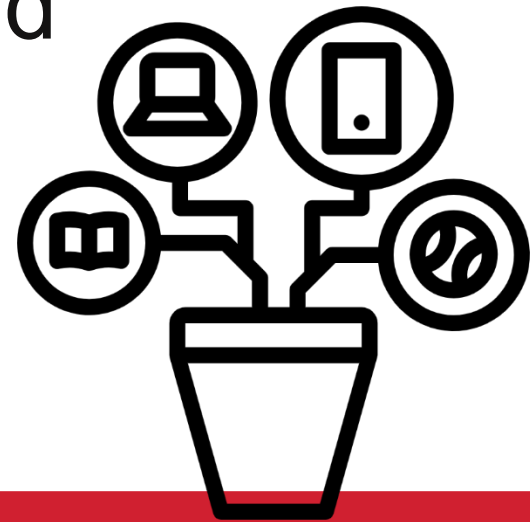
Is the motion approved?

Wrapping Up

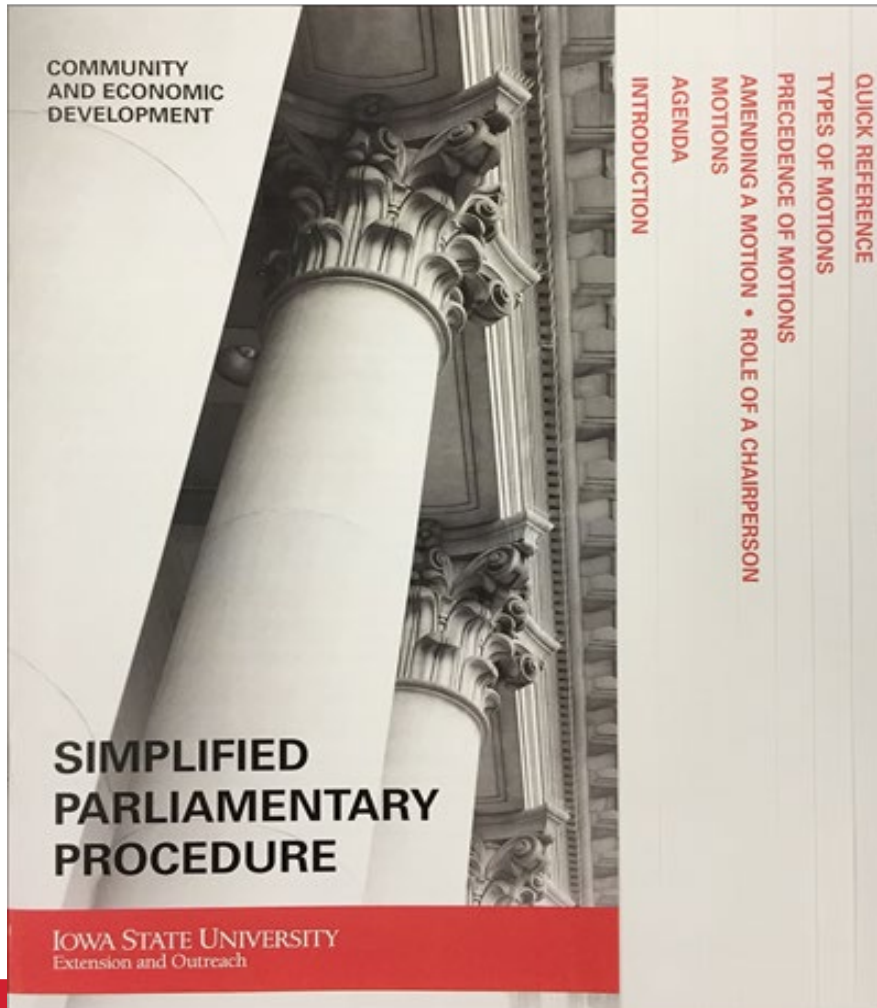
After hearing this presentation, now what questions do you have about the Use of Parliamentary Procedures for Effective Meetings?

Additional Resources

- County Attorney
- Iowa State Association of Counties
- National Association of Counties
- Iowa Public Information Board
- ISU Extension and Outreach



ISU Extension Store Website



<https://store.extension.iastate.edu/product/5347>

\$3.00 per copy and available via download

Key References

- Jurassic Parliament: <https://jurassicparliament.com/>
- Mastering Council Meetings – A Guidebook for Elected Officials and Local Governments. Ann G. Macfarlane and Andres L. Estep.
- Parliamentary Motions, Simplified Cheat Sheet
- Robert's Rules of Order Newly Revised In Brief, Fully Updated 2nd Edition.
- Robert's Rules of Order in Action – How to Participate in Meetings with Confidence. Randi Minetor.

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