



TRUSTEES UPDATE & REPORT AUGUST 2012

A COALITION OF JOURNALISTS, LIBRARIANS, LAWYERS, EDUCATORS AND OTHER IOWANS INTERESTED IN OPEN GOVERNMENT

ANNUAL MEETING TO HOST MEMBERS OF NEW INFORMATION BOARD

Members of the newly created Iowa Public Information Board will be guests at the Iowa Freedom of Information Council's annual meeting on Friday, Oct. 12 at the State Historical Building, 600 E. Locust St. in Des Moines.

The meeting will begin with registration at 11:30 a.m. and lunch at noon. The afternoon's program will include an opportunity to meet and talk with the new board members, followed by the Council's annual business meeting.

The program will also include the presentation of the Council's annual Harrison "Skip" Weber Friend of the First Amendment Award. The Weber award recognizes "individual contributions to government openness, access

and accountability to Iowans." The honoree for 2012 is the Hon. Robert Pratt, federal judge for the U.S. District Court for the Southern District of Iowa. The Council is recognizing Judge Pratt for his service to the citizens of Iowa, especially his support for opening federal courts to expanded media coverage.

The program is free and open to the public. Reservations for lunch cost \$15 and must be made by Oct. 2.

For more information, contact Kathleen Richardson at kathleen.richardson@drake.edu or 515-271-2295.

See Registration Form on Page 9

SENATE FILE 430 FINALLY PASSES

The Iowa Legislature passed Senate File 430, creating the Iowa Public Information Board, this spring after five years of debate. The nine-member board with a full-time executive director will be one of the few access agencies in the country with enforcement powers when it becomes fully operational in July 2013.

A bill creating an agency empowered to enforce the state's open meetings and records laws was introduced in 2008, after participants in legislative hearings the previous year had testified that the main problem with Iowa's access laws was lack of enforcement at all levels. The bill was largely written by Professor Arthur Bonfield of the University of Iowa law school, and supported by Dubuque legislators Rep. Pam Jochum (now a senator) and Sen. Michael Connolley (since retired).

However, the legislation, in various forms, failed to advance

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in 2008, 2009, 2010 and 2011. The Attorney General's Office argued that the board was not needed, and government associations feared it would provide a vehicle for town "cranks" to harass local officials. Some Republicans opposed growing government, and Democratic Gov. Chet Culver was not supportive.

By 2012, however, more controversial elements of the bill had been stripped out, essentially leaving the Public Information Board. Significantly, newly elected Gov. Terry Branstad, a Republican, was highly supportive and encouraged his party's caucus to back the bill.

The Iowa Freedom of Information Council commissioned a statewide poll that demonstrated overwhelming public support for open government issues and the board. Iowa news organizations kicked off the legislative session by collaborating on a series of articles in January that covered the survey results and highlighted problems of enforcement around the state.

The bill finally passed both the House and Senate and was signed into law by Branstad on May 3.

The legislation creates a new section of the Iowa Code, Chapter 23, the Iowa Public Information Board Act. Among other provisions, the act:

- Creates a nine-member, independent board appointed by the governor subject to confirmation by the Senate.
- Empowers the board to hire an executive director to start July 1, 2013.
- Authorizes the board to issue both informal advice and

declaratory orders with the force of law regarding the Iowa open meetings and records law; offer training and disseminate information; receive complaints alleging violations of the laws and seek resolution through informal mediation and settlement; and, upon probable cause to believe a violation has occurred, prosecute the accused government entity or official in a contested-case proceeding under the Administrative Procedures Act.

- Empowers the board to impose civil penalties and appropriate remedies for founded violation of the law.

The board members will meet to organize policies and procedures over the next year, but most provisions of the law become effective July 1, 2013.



Gov. Terry Branstad signs Senate File 430, surrounded by legislators, journalists, lobbyists and other supporters of the Public Information Board.

LEGISLATURE PASSES 'AG GAG' BILL

The 2012 Iowa Legislature passed a law that creates the new crime of "agricultural production facility fraud."

IOWA PUBLIC INFORMATION BOARD APPOINTEES

The following people were appointed by the governor July 1 to the newly created Iowa Public Information Board, pending Senate confirmation:

Robert Andeweg, Urbandale, mayor of Urbandale, Republican
 Tony Gaughan, West Des Moines, Drake University law professor, Republican
 Jo Martin, Spirit Lake, vice president for Times-Citizen Communications, Democrat
 Andy McKean, Anamosa, attorney and retired legislator, Republican
 Gary Mohr, Bettendorf, community college administrator, Independent
 Bill Monroe, Johnston, retired executive director of the Iowa Newspaper Association, Republican
 Kathleen Richardson, Des Moines, executive secretary for the Iowa Freedom of Information Council, Democrat
 Suzan Stewart, Sioux City, attorney for MidAmerican Energy Company, Republican
 Peggy Weitzl, Carroll, Carroll County Treasurer, Democrat

Legislature continued from Page 2

The so-called “ag gag” bill makes it an aggravated misdemeanor to access a farm facility by false pretenses or to lie on a job application with the intent to commit an act not authorized by the owner.

The law was a response to actions by animal rights activists

who have infiltrated farm facilities to sabotage animal production or shoot undercover videos of purported animal abuse.

Some constitutional scholars say the law faces First Amendment hurdles as posing a possible prior restraint on speech.

D.M. PUBLIC RECORD READS LIKE PLAYBOY ADVISOR

This year will be remembered as the time when a routine public records request from journalists resulted in the release of Des Moines schools superintendent Nancy Sebring’s X-rated e-mail exchanges with a lover — threatening their professional and private lives, and igniting a debate over media coverage of the scandal.

Sebring’s sometimes controversial tenure as superintendent of Des Moines public schools ended abruptly in early May when she quit immediately, citing personal reasons. Sebring had accepted a position as superintendent of Omaha schools in April, but had intended to keep her Des Moines job until July 1, raising questions about the cause of her early departure.

The closed session that the school board held to discuss Sebring’s sudden departure and her replacement was attacked as inappropriate by critics. Reporters for both the *Omaha World-Herald* and *The Des Moines Register* submitted public records requests for copies of Sebring’s e-mail.

Sebring had been criticized for hiring her sister and friends during her tenure in Des Moines, and the released e-mails

did, indeed, document potential conflicts of interest. But they also contained sexually graphic correspondence between Sebring and a lover, both married, sent on school district computers using a government e-mail account. The exchange violated district technology policy.

Sebring lost her Omaha job as a result of the scandal, and copies of the racy e-mails were splashed all over the Internet. She sought an injunction to prevent release of further e-mails, and even sought to have the hearing on the request closed.

But Polk County District Court Judge Robert Hanson refused to close the hearing and on June 23 refused to block the release of the records, saying, “Common sense dictates that communications that should not have been occurring in the first place — personal communications using the school district’s computer equipment and e-mail system, in violation of written school district policy — would not be protected from disclosure.”

Hanson also ruled that Sebring’s e-mails were in the public interest. Sebring’s lover, an Army recruiter, was later relieved of his command after his identity was revealed.

IOWA FREEDOM of INFORMATION COUNCIL UPDATE & REPORT

Vol. 23, No. 1

August 2012

Published by the Iowa FOI Council, incorporated in 1977, a 501(c)(3) organization.

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IOWA SUPREME COURT RULES AGAINST PRESS-CITIZEN IN FERPA CASE

The University of Iowa won its challenge of a district court judge's order that it release records related to a 2007 sexual assault case involving two football players.

In July, the Iowa Supreme Court agreed with the university that the federal educational privacy law prevents release of information sought by the Iowa City *Press-Citizen* about the university's handling of the case.

Since the names of the student athletes accused of sexual assault had already been publicized, the university argued it could not release any records related to the case without endangering their educational privacy because the requesters would automatically know who the records were about.

The Supreme Court, in a 4-3 decision, said that Chapter 22.9 allows a government body to withhold a record if releasing it would cause the denial of federal funds. The Federal Educational Rights and Privacy Act cuts off funding to institutions that release students' personally identifiable information, so the court reasoned that the U of I was justified in refusing to release the requested records.

The three dissenting justices found no conflict between FERPA and Iowa open records law and would have released the records. (*Press-Citizen Co. v. University of Iowa*, No. 09-1612, July 13, 2012)

SUPREME COURT SAYS HOSPITAL IMPROPERLY KEPT AUDIT SECRET

The Iowa Supreme Court in March ruled that Broadlawns Medical Center, the taxpayer-funded Polk County hospital, must release an audit of its pharmacy. The audit had been conducted by the pharmacy director after a Broadlawns pharmacist admitted she stole narcotics from the unit.

The Des Moines Register had requested a copy of the audit in 2009, but the hospital argued it had given a copy of the audit to the Iowa Board of Pharmacy, whose investigative files are confidential, so Broadlawns couldn't release it. A district judge ruled in favor of the hospital in 2010, but the Supreme Court disagreed. The court said that a government body may not automatically make a document confidential by giving copies to a regulatory board, and cited the public interest in the theft of drugs from a government hospital.

(*Hall v. Broadlawns Medical Center and Des Moines Register and Tribune Co.*, No. 10-0971, March 9, 2012)

BUDGETS OF FILM COMPANIES IN ECONOMIC DEVELOPMENT SCANDAL OPENED

The film budgets of the 11 companies involved in the state film office's management scandal should be released, the Iowa Supreme Court ruled in July, overturning a lower court decision.

The filmmakers had argued that their financial information should be protected as "trade secrets," even though the productions were part of the allegations of abuse and mismanagement that engulfed the state film program. *The Des Moines Register* had joined the state in requesting that the financial information be opened.

"This case requires us to decide whether filmmakers receiving tax credits from the state of Iowa under the state's tax credit program can enjoin the state from releasing summaries of their films' final budgets to the public," the high court's ruling said. "We conclude they cannot."

The court said that the film company budgets did not qualify as trade secrets under Chapter 22.7(3) or as "[r]eports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose" under Iowa Code section 22.7(6). (*Iowa Film Production Services v. Iowa Department of Economic Development*, No. 10-1719, July 27, 2012)

SUPREME COURT AFFIRMS DENIAL OF DISCIPLINARY RECORDS

The Iowa Supreme agreed with a district court that disciplinary records of two school district employees involved in a strip search of five children are exempt from the Iowa public records laws.

In 2009, employees of the Atlantic school district conducted a strip search of five female students in an attempt to recover \$100 that was reported stolen by another student. Two employees were later disciplined as a result of the incident. The American Civil Liberties of Iowa sought to obtain the identities of the employees and details of the disciplinary action taken against them, and while the district released the names, it claimed that the disciplinary information was part of the employees' confidential

personnel files exempt from disclosure under Chapter 22.7(11). The district court granted summary judgment in favor of the school district in 2010, and the ACLU appealed.

In July, the Supreme Court upheld the district court's decision by a 4-3 vote, saying, "Disciplinary records and information regarding discipline are nothing more than in-house job performance records or information," which the court had previously concluded are exempt from disclosure.

In dissent, Chief Justice Mark Cady said that the majority's ruling will make the open records law more confusing. "This case goes to the heart of why we have an open records act in this state: the expectation that government will be better suited to deal honestly and fairly with its citizens when its citizens have the ability to examine the records of government business," Cady wrote. (*ACLU v. Records Custodian, Atlantic Community School District, No. 11-0095, July 27, 2012*)

ACLU FILES PUBLIC RECORDS LAWSUIT AGAINST CITY OF CLINTON

The American Civil Liberties Union of Iowa sued the city of Clinton in March on behalf of a group of residents who were frustrated with the city's lack of transparency in dealing with a \$4.5 million settlement with the federal government over improper ambulance billings. The city has refused to release information related to closed meetings about the situation, citing attorney-client privilege.

IOWA CITY SCHOOL DISTRICT SETTLES PUBLIC RECORDS LAWSUIT

The Iowa City school district admitted it illegally withheld public records under a settlement agreement with two residents who sued to obtain construction project records.

Edwin Stone, a district parent, and David Gurwell, former assistant director of the school district physical plant, filed suit in 2011 after repeatedly asking for records related to the installation of a geothermal heating and cooling system at City High that they claim caused drainage problems on the athletic fields.

The school district settled the suit in March, acknowledging that it had violated the law by refusing to release the records and agreeing to pay the plaintiffs' \$4,770 court fees. The settlement came after the district's executive director of administrative services resigned, an audit was conducted and an election ousted four of the school board members.

IOWA FREEDOM OF INFORMATION COUNCIL 2012 SUSTAINING MEMBERS

Ames Daily Tribune
Cedar Rapids Gazette Company
Cityview
Des Moines Register and Tribune Company
Iowa Broadcasters Association
Iowa Cubs
Iowa Newspaper Association
Iowa Public Television
KCCI-TV, Des Moines Hearst Television, Inc.
KCRG-TV, Cedar Rapids Cedar Rapids Television Co.
Meredith Corporation
Quad-City Times
WHO-TV, Des Moines Local TV, LLC
Woodward Communications, Inc. Telegraph Herald,
Dyersville Commercial, Cascade Pioneer

FIRST AMENDMENT MEMBERS

American Civil Liberties Union of Iowa
Associated Press, Iowa Bureau
Greenlee School of Journalism and
Mass Communication, Iowa State University
The Hawk Eye, Burlington
Iowa Association of Private Investigators
Iowa Association of School Boards
Iowa Broadcast News Association
Iowa Library Association
Iowa Association for Justice

RIVERDALE AGREES TO PAY OPPONENTS \$100,000 IN LEGAL COSTS

The city of Riverdale resolved a public records dispute with three citizens in January by agreeing to pay more than \$100,000 to cover the cost of legal action stretching back to 2008.

Plaintiffs Allen Diercks, Marie Randol and Tammie Picton had sued Riverdale to obtain copies of a security video taken during a city hall confrontation with the then-mayor. The city had refused to turn over the video on advice of its security company, but showed it to a reporter.

Diercks, Randol and Picton won a district court trial in 2009, but the city appealed the decision. In November 2011, the Iowa Supreme Court ruled that the contested video was no longer confidential when the mayor shared it with the reporter. [*City of Riverdale v. Diercks*, No. 09-1670, Nov. 18, 2011]

The plaintiffs had previously won a total of \$42,000 from the city in FOI challenges in 2006 and 2008.

SUPREME COURT TO HEAR LIBEL CASE FOR SECOND TIME

The Iowa Supreme Court has called for more briefing and a second oral argument in the appeal of an Iowa libel case that has the potential to remake Iowa defamation law. [*Weier v. Weier and Author Solutions Inc.*, No. 10-1503] The case is scheduled for the first oral argument of the Court's new term on Sept. 7 in Iowa City.

The case involves an author and the publisher of his

autobiography who were sued by the author's ex-wife and father for libel for the way they were portrayed in the book. An Iowa district court judge granted the plaintiffs' motion for summary judgment, ruling that the statements in the book were libel per se and that because the defendants were not members of the mainstream media, they were not protected by the First Amendment safeguards laid out in the landmark U.S. Supreme Court case *New York Times v. Sullivan*. The defendants have appealed the decision and were joined in an amicus brief by the Iowa Freedom of Information Council, the Iowa Newspaper Association, the Iowa Broadcasters Association, Hearst Television Inc., the Associated Press, Big Green Umbrella Media Inc., SourceMedia Group and Lee Enterprises.

For the second hearing, the Court told the defendants to focus solely on the issue of whether Iowa should continue to recognize the doctrine of libel per se, which permits all presumptions in a libel plaintiff's favor in cases involving a non-media defendant.

EFFORT TO MOVE TRIAL REJECTED

A judge refused a request by a Huxley woman to have her murder trial moved out of Story County because extensive media coverage made it impossible for her to get a fair trial. Judge Michael Moon ruled in early March that Jackie Burkle, 22, could receive a fair trial in Story County in the deaths of her twin baby daughters.

15th EDITION OF HANDBOOK SET

The 15th edition of the "Open Meetings, Open Records Handbook" will be published this winter, incorporating amendments to the law made by the Iowa Legislature in 2011 and 2012.

The booklet includes the texts of Chapters 21 and 22 of the Iowa Code, as well as helpful tips for complying with the law, a list of suggested resources, and answers to frequently asked questions. The pocket-size handbook is updated every two years when the Iowa Code is updated.

This edition will also address Chapter 23, the Iowa Public Information Board Act, that was passed this spring and becomes operational in July 2013 with the hiring of an executive director by the newly created state Public Information Board.

The booklets cost \$2 apiece plus postage, and can be ordered by e-mailing kathleen.richardson@drake.edu or calling 515-271-2295.

POLL SHOWS FOI SUPPORT

Iowans overwhelmingly support the principles of open government — and, indeed, wish for greater transparency.

Those were some of the findings of the first public opinion survey ever commissioned by the Iowa Freedom of Information and conducted in fall 2011 by Selzer and Co., an internationally known public opinion pollster based in West Des Moines.

Selzer surveyed 803 Iowa residents, aged 18 and older, on their knowledge of and opinions on various issues related to Iowa open meetings and records law. Some of the key findings of the poll:

- Most Iowans know little if anything about the specifics of the Iowa open meetings and records law. Forty-two percent say they know just something about the laws and 27 percent say they know nothing.
- However, 85 percent of those polled do know that access laws exist to help all citizens, not just journalists.
- Most (63 percent) say the government should put more effort into ensuring that its meetings are open and documents are accessible. Indeed, 77 percent of those questioned said that there should be more openness than more privacy for government officials. Fifty-six percent wished for more opportunities to provide input into local government decisions.
- The most popular reason for supporting open government is the belief that taxpayers have the right to know how their money is being spent.
- Few Iowans know anything about the Iowa Freedom of Information Council, but express support for two of the Council's initiatives: 67 percent of respondents were in favor of creating a state government board to handle citizens' questions and complaints with open meetings and records, and 84 percent supported more FOI training for government officials and employees.

The results of this poll were reported in a series of articles about FOI issues and problems that were published statewide by Iowa news organizations in January, in the opening days of the Iowa legislative session. The survey also played a prominent role in the Legislature's passage of the Iowa Public Information Board Act, which created a new state board to handle training, questions and complaints about open government issues.

The poll conducted Sept. 19-22, 2011, asked respondents whether the following documents should or should not be available to public inspection:

	Should be available
Expense reports of public officials	96%
List of candidates for government jobs	90
Terms of contracts awarded by government	89
Proposals submitted for government contracts	88
Government workers' salaries	78
Police department activity logs	74
Mug shots of arrested people	67
Real estate transactions	66
Disciplinary records of government workers	64
Work-related emails of government workers	63
Birth and death certificates	60
Disciplinary actions against student athletes at state schools	58
Autopsy reports	36
Names of crime victims	32



PICTURE COURTESY OF ROSS GRIFF

WORKSHOPS SCHEDULED

The Iowa Freedom of Information Council and the Iowa Newspaper Foundation are collaborating this fall on a series of “community conversations” around the state, designed to educate Iowans about their open government and First Amendment rights.

The workshops are being funded by a \$5,000 grant from the John S. and James L. Knight Foundation through the National Freedom of Information Coalition. They are free and open to the public.

“The People Have the Power: Making a Difference in Your Community” is an interactive 90-minute program that will introduce participants to the tools for becoming engaged, informed citizens and building strong communities. Topics include how to participate in local government meetings and obtain public records, as well as First Amendment rights to free speech, petition and assembly. Each participant will receive a “toolkit for democracy” complete with resource material.

The workshops are all scheduled for 7-8:30 p.m. at the following locations:

- Thursday, Sept. 6 at Loras College in Dubuque
- Tuesday, Sept. 11 at King’s Pointe Waterpark and Resort in Storm Lake
- Tuesday, Sept. 18 at Hotel Vetro in Iowa City
- Thursday, Sept. 27 at the Des Moines Botanical Center

Each event will be opened with a welcome by either Gov. Terry Branstad or Lt. Gov. Kim Reynolds, as well as local newspaper publishers. Kathleen Richardson, executive secretary of the Iowa FOI Council, will run the workshops along with local co-hosts.

The workshop was created with input from the Iowa League of Cities, the Iowa Association of Counties, the Iowa School Board Association, the Office of Citizens’ Aide/Ombudsman and the Attorney General’s Office.

OMBUDSMAN REPORTS 263 FOI OR PRIVACY CASES

The office of Citizens’ Aide/Ombudsman reported dealing with 263 cases involving open meetings, records or privacy in 2011. The cases involved 150 complaints, 97 requests for information and 16 special projects. The total compared to 273 cases in 2010, with 180 complaints.

Among situations the ombudsman’s office dealt with in 2011:

- A library board that failed to post an agenda for a meeting and did not follow proper procedure. It was the third substantiated complaint about the same board, and the ombudsman referred the matter to the Attorney General’s Office.
- A city clerk who failed to respond promptly to a citizen’s request for City Council minutes because she said she had more important things to do. She was unaware that the public records law says that even a “good faith” delay should ordinarily not exceed 10 business days.
- A regional intergovernmental agency that was illegally adding employees’ benefits and office overhead costs to fees it was charging for public records.
- A City Council whose agenda read simply “new business” and “old business.”
- A City Council that closed a meeting without citing a legal reason and also did not record a closed meeting, as required by law.

In addition, the ombudsman’s office reported conducting open meetings and records training for 435 government officials.

The office’s complete report can be found at www.legis.iowa.gov/ombudsman



LOTTERY WINNERS ATTEMPT TO MAINTAIN ANONYMITY

Twenty workers from the Cedar Rapids Quaker Oats plant won the biggest jackpot in Iowa Lottery history in June, but threatened to go to court to block lottery officials from releasing their names.

Lawyers for the “Shipping 20” claimed they were “private people” who didn’t want the limelight. State officials said that they would release the names of the 18 men and two women who won the \$241 million Powerball jackpot unless they sought an injunction to prevent release, but the request was never filed and the names were released on July 6.

It was the first time since the lottery began in 1985 that a winner had sought anonymity, and both lottery officials and the Attorney General’s Office said winners’ names are public records under Iowa law.

BURLINGTON COUNCIL VOTES ON ITEM NOT ON AGENDA

The Burlington City Council in June voted on a motion to rescind raises that it had previously awarded to non-union city employees, even though the issue had not been on the agenda for the council meeting.

City manager Jim Ferneau explained that Roberts Rules of Order allowed the vote, but the Iowa open meetings law’s notice provisions require all but emergency items to be on the tentative agenda, publicly posted 24 hours before the government body’s meeting. Council members blamed the confusion on ignorance of the open meetings law provisions.

IOWA CITY TAX DISTRICT MEETS IN PRIVATE

Iowa City’s self-supported municipal improvement district decided in February to conduct its meetings behind closed doors. The Attorney General’s Office concluded that the organization is not subject to the state’s open meetings law.

The district, approved by the City Council in December 2011 on a petition of downtown property owners, is supported by a levy on business and a \$100,000 contribution from the University of Iowa. The district, overseen by a 26-member board, was formed to promote and sustain downtown development. The City Council must set the district’s tax levy and approve its annual budget.

INDIANOLA CITY COUNCIL CLOSES MEETING, DESPITE OPPOSITION

The Indianola City Council voted to hold a closed meeting in early February, despite opposition from two council members who said the cited legal reason was inappropriate.

The Council cited the section of the open meetings law that allows a closed session to discuss “matters that are presently in litigation or where litigation is imminent.” One of the council members who opposed the closed session, Pam Pepper, said, “I wasn’t aware that we were currently in litigation.” Pepper also said that she thinks the public has the right to have access to the basis and rationale that the government uses to make decisions.

Reservation for the 2012 Annual Meeting of the Iowa FOI Council on Friday, Oct. 12
Iowa State Historical Building, 600 E. Locust St. in Des Moines

RSVP REQUIRED BY *TUESDAY, OCTOBER 2* FOR LUNCH

Name:

Address:

Affiliation:

Telephone:

E-mail:

Number of reservations at \$15 each:

Please make checks payable to the Iowa FOI Council
Mail reservation to: Iowa Freedom of Information Council
School of Journalism and Mass Communication
Drake University Des Moines, IA 50311

For more information call 515-271-2295 or e-mail kathleen.richardson@drake.edu

CASCADE KEEPS IDENTITIES OF CITY ADMINISTRATOR CANDIDATES SECRET

The city of Cascade brought the four finalists for city administrator — and their spouses — to town in January for interviews and to meet residents, but kept their last names and their towns secret.

Iowa law allows applicants' names to be kept confidential if the government entity believes making the names public would discourage applicants. Three of the four finalists indicated that they would withdraw their applications if their names were public.

CLOSED ENVIRONMENTAL PROTECTION COMMISSION MEETING DRAWS CRITICS' IRE

Opponents of a proposed hog confinement expansion in Poweshiek County expressed frustration in July over the decision by the Iowa Environmental Protection Commission to discuss the permit request behind closed doors.

The commission approved the construction permit over objections by Poweshiek County officials and after discussing the matter in closed session. The Attorney General's Office had advised the commission that an exception in Chapter 21 applied that allows a closed session "to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government body in that litigation." The attorney general said the commission's consideration of the county's challenge amounted to legal proceedings.

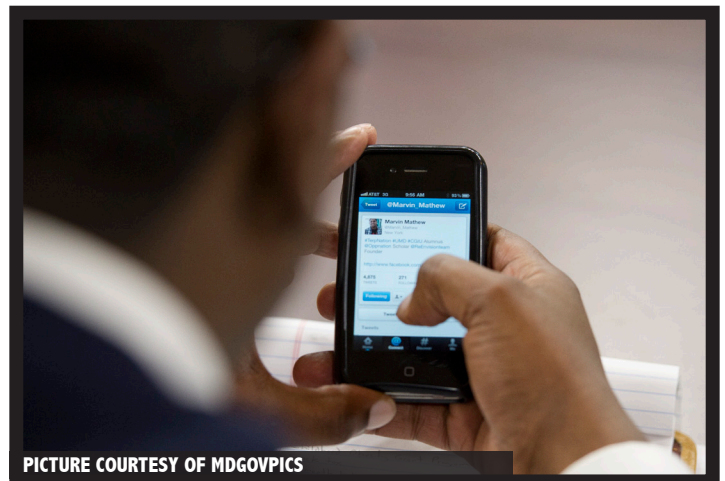
Representatives of Iowa Citizens for Community Improvement, a frequent opponent of large-scale animal confinements, complained about the secrecy. In addition, Rep. Chuck Isenhardt of Dubuque, a member of the House Environmental Protection Committee, released a statement that said, "Apparently the attorney general has been advising state agencies that, if its decisions may be appealed to the courts, then the state agency can talk about those decisions in secret. My reading of the statute suggests that is a wild overreach."

EMC UPDATE SOUGHT

Iowa's Expanded Media Coverage rules may receive their first major review since they were adopted in 1979.

The Iowa Freedom of Information Council, as the central coordinator for the program, has asked the Iowa Supreme Court to consider updating Iowa Court Rules Chapter 25, which govern electronic coverage of judicial proceedings, to address changing technology and newsgathering methods.

At a meeting of Iowa judges and journalists in April, discussion turned to technological developments that now allow journalists to blog and Tweet from the courtroom; record photographs, video and audio from mobile devices, and webstream. While Iowa judges have been flexible, and there have been few problems reported, both jurists and journalists said they'd like more guidance on how to handle these issues.



PICTURE COURTESY OF MDGOVPICS

The last time the EMC rules were amended was in 2006 when changes were made in the rules regarding coverage of appellate courts.

UPDATED LIST OF REGIONAL EMC COORDINATORS

Following is a list of the Expanded Media Coverage coordinators. The list is also available online at www.ifoic.org.

REGION 1

Allamakee, Clayton, Delaware, Dubuque counties
Brian Cooper
Telegraph Herald, 801 Bluff, Dubuque, IA 52004
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REGION 2

Howard, Chickasaw, Winneshiek, Bremer, Fayette, Butler, Grundy, Black Hawk, Buchanan counties
Nancy Raffensperger Newhoff
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REGION 3

Winnebago, Worth, Mitchell, Hancock, Cerro Gordo, Floyd, Franklin counties
Matt Bradley
KIMT-TV, 112 N. Pennsylvania Ave., Mason City, IA 50401
(641) 421-2628
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REGION 4

Pocahontas, Humboldt, Wright, Sac, Calhoun, Webster, Hamilton, Hardin, Carroll, Greene, Boone counties
Jesse Helling
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(jhelling@messengernews.net)

REGION 5

Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Kossuth counties
Jeff Grant
N'West Iowa Review, 227 9th St., Sheldon, IA 51201
(712) 324-5347
(jeff_grant@iowainformation.com)

REGION 6

Plymouth, Cherokee, Buena Vista, Woodbury, Ida, Monona, Crawford counties
Mitch Pugh
Sioux City Journal, 515 Pavonia St., Sioux City, IA 51102
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(mitchpugh@siouxcityjournal.com)

REGION 7

Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Fremont, Page counties
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REGION 8

Story, Marshall, Guthrie, Dallas, Polk, Jasper, Madison, Warren, Marion counties
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(515) 344-2886
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REGION 9

Adair, Adams, Union, Clarke, Lucas, Taylor, Ringgold, Decatur, Wayne counties
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REGION 10

Tama, Benton, Linn, Jones, Iowa, Johnson counties
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(zack.kucharski@sourcemedia.net)

EMC continued from Page 11

REGION 11

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