Location: 705 E. Taylor St., Creston, IA 50801

Date: January 15, 2025, Amended January 31. 2025

Time: 5:15 PM

Attendance:

Dennis Brown, Chairperson, Union Co BOS

Roger Cheers, Arispe

Matt Lenhart, Lorimor

Bridget Hoskey, Thayer

Kristie Nixon, Afton

Judy Hopkins, Cromwell

Terry Gilbert, Shannon City

Brian Bolton, Union Co Sheriff

Absent: City of Creston Representative

The Union County Emergency Management Commission was called to order at 5:15 PM by Chairperson Dennis Brown at 5:15 P.M.

Approval of the Agenda: A motion was made by Matt Lenhart to approve the agenda. Second by Terry Gilbert. Motion carried by all members present.

Approval of the previous meeting's minutes (December 18, 2024): A motion was made by Terry Gilbert and a second was made by Bridget Hoskey. Motion carried by all members present.

Kristie Nixon joined the meeting at 5:18 P.M. in person

Approval of Claims: The Coordinator advised not all claims were in due to the early date of the meeting and claims would not be processed until next week. However, the claims that were available or set amounts are on the claims sheet. In addition, there was one claim that fulfilled a payment on a contract for maintenance on the HVAC systems at the tower sites. This is a bi-annual payment. A motion was made by Bridget Hoskey to approve the Claims available, second by Terry Gilbert, All present voting Aye.

Old Business:

Adoption of the Iowa Public Information Board (IPIB) Informal Settlement Case #:24FC:0013: The Settlement Agreement was read into the record of Minutes by Chairperson Dennis Brown. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025, deadline, the draft minutes will be utilized.

Informal Settlement

<u>Pursuant to Iowa Code § 17A.10(1), the IPIB presents the following Informal Settlement terms as</u> resolution of this matter and in lieu of a contested case:

The UCEMA will complete the following terms by February 7, 2025. If all terms are not met to the satisfaction of IPIB by February 7, 2025, IPIB will proceed to a contested case proceeding.

Location: 705 E. Taylor St., Creston, IA 50801

- 1. The UCEMA will agree to the full terms of this Informal Settlement at a public meeting of the UCEMA to be held on January 15, 2025. The full Informal Settlement will be read into the record at the public meeting and will be formally approved by the UCEMA. The following statement will be read at the public meeting of the UCEMA and will be included in the minutes: "The UCEMA agrees to the terms of the Informal Settlement and further agrees to fulfill all terms of the Informal Settlement by February 7, 2025. Failure to complete all terms of the Informal Settlement by February 7, 2025, will result in a contested case proceeding before the Iowa Public Information Board." The minutes will be published, at a minimum, on the UCEMA website. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025, deadline, the draft minutes will be utilized.
- 2. The UCEMA will formally acknowledge that a violation of Iowa Code Chapter 21 occurred at a meeting of the UCEMA on January 24, 2024, when a de facto closed session was held. This formal acknowledgement will occur in a public meeting of the UCEMA to be held on January 15, 2025. The full formal acknowledgement will be included in the minutes, which will be published, at a minimum, on the UCEMA website. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025, deadline, the draft minutes will be utilized.
- 3. The UCEMA will develop policies and procedures to ensure compliance with Iowa Code chapters 21 and 22. Policies and procedures will address the following elements: Notice of meetings, setting agendas, minutes, response to public records requests, closed sessions, and maintenance of existing policies. All policies and procedures reviewed and developed for this Informal Settlement will be provided to IPIB and will be formally reviewed and approved in a public meeting of the UCEMA. All policies and procedures will be included in the minutes, which will be published, at a minimum, on the UCEMA website. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025, deadline, the draft minutes will be utilized.
- 4. The UCEMA understands that this Informal Settlement is a recommendation to the IPIB by IPIB staff. The IPIB may reject this Informal Settlement and advance to a contested case proceeding. The IPIB will review the Informal Settlement on January 16, 2025.

THIS INFORMAL SETTLEMENT HAS BEEN REVIEWED AND FORMALLY AGREED TO BY THE UCEMA. IF THE UCEMA REJECTS THIS INFORMAL SETTLEMENT AT THE UCEMA MEETING ON JANUARY 15, 2025, THIS COMPLAINT WILL MOVE TO A CONTESTED CASE PROCEEDING.

THE FOLLOWING	<u>G INDIVIDUAL</u>	<u>IS AUTHORI</u>	<u>ZED TO SIGN (</u>	<u>ON BEHALF OF</u>	THE UCEMA,
Dennis Brown,	UCEMA			Date	2

Location: 705 E. Taylor St., Creston, IA 50801

A motion was made by Matt Lenhart to approve the Settlement. The second was made by Terry Gilbert. A roll call vote was taken. Terry Gilbert – Aye. Roger Cheers – Aye. Matt Lenhart – Aye. Bridget Hoskey – Aye. Kristie Nixon – Aye. Judy Hopkins – Abstained as she was not on the Commission at the time of the incident which precipitated the Agreement. The Chair voted Aye. The agreement is attached to this document.

- 1. Acknowledgement of the Closed Session: The acknowledgement of the closed session which took place on January 24, 2024, was read into the record of minutes of this meeting. Bridget Hoskey made a motion to approve the Acknowledgement. The second was made by Roger Cheers. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Abstained as she was not on the Commission at the time of the incident which precipitated the Agreement. The Chair voted Aye. The acknowledgement is attached to this document.
- Policy 25-001: A policy of the Union County Emergency Management Agency and its
 Commission relating to Meeting Notices and Publication. The policy was read into the record of
 minutes of this meeting. Kristie Nixon made a motion to approve Policy number 25-001. Terry
 Gilbert second the motion. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye.
 Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis
 Brown Aye. This policy is attached to this document.
- 3. **Policy 25-002**: Union County Emergency Management and its Commission relating to Agenda Development and Posting. The policy was read into the record of minutes of this meeting. A motion was made to approve the policy by Matt Lenhart, second by Kristie Nixon. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis Brown Aye. This policy is attached to this document
- 4. **Policy 25-003**: A policy relating to Union County Emergency Management Commission Meetings and Minutes of those meetings. The policy was read into the record of minutes of this meeting. A motion was made to approve the policy by Roger Cheers, second by Terry Gilbert. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis Brown Aye. This policy is attached to this document
- 5. **Policy 25-004**:A policy relating to the Request for Public Information and the processing of those requests.
 - The policy was read into the record of minutes of this meeting. A motion was made to approve the policy by Terry Gilbert, second by Bridget Hoskey. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis Brown Aye. This policy is attached to this document.
- 6. **Policy 25-005**: A policy relating to the Union County Emergency Management Agency and Commission and Closed Meetings. The policy addresses the proper processes to establish a closed meeting, the reasons for holding a closed meeting, and documentation of a closed meeting. The policy was read into the record of minutes of this meeting. A motion was made to approve the policy by Terry Gilbert, second by Bridget Hoskey. A roll call vote was taken. Terry

Location: 705 E. Taylor St., Creston, IA 50801

- Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis Brown Aye. This policy is attached to this document.
- 7. **Policy 25-006**: A Policy addressing the use of a Policy Manual and maintaining the manual. The policy was read into the record of minutes of this meeting. A motion was made to approve the policy by Roger Cheers, second by Matt Lenhart. A roll call vote was taken. Terry Gilbert Aye. Roger Cheers Aye. Matt Lenhart Aye. Bridget Hoskey Aye. Kristie Nixon Aye. Judy Hopkins Aye. Dennis Brown Aye. This policy is attached to this document.

Sheriff Brian Bolton joined the meeting at 6:00 PM via Zoom.

FY 2025-2026 Budget: The numbers haven't changed since last meeting. I will give you a chance to discuss salary later. I will also provide you with a sheet current budget numbers in the next week so we can be prepared to move forward with budget adjustments and the public hearing next meeting. I must have the budget in by February 28, 2025, to the DOM.

New Business

Claims Processing and Timing Issues: Sometimes our meetings fall a week before claims are processed, it really isn't a super big deal, however, it is important you know where the money is going. I know your schedules are reliant on the 3rd Wednesday of the month for the Commission Meetings. I'm looking for a solution to getting claims to you so you are at least aware of what is going out and why.

Everyone agreed the 3rd Wednesday looked like the best option to stay with. I will send out notices on both sets of Claims when they are ready to go to the Auditor's Office.

Election of New Chair: Dennis resigned as Chair in October of last year. Then agreed to stay on as chair until the new sheriff came on. He then said he would stay on until March when the Bylaws state we will have a regular election of Commission Officers if the Commission so desired. Matt Lenhart made a motion to keep Dennis as Chairperson until the March meeting. Second by Terry Gilbert. Motion carried unanimously.

A brief report on Coordinators activity was given relating to Organization, Planning, Training, and Exercise.

A motion to adjourn the meeting was made by Matt Lenhart at 6:28 P.M., second by Terry Gilbert, motion carried.

Jo Anne Duckworth, Secretary

The Iowa Public Information Board

In re the Matter of:

Case Number: 24FC:0013

Bonnie Castillo, Complainant

Acknowledgement

And Concerning:

Union County Emergency Management

Agency, Respondent

On February 2, 2024, Bonnie Castillo filed formal complaint 24FC:0013, alleging that Union County Emergency Management Agency ("UCEMA") violated Iowa Code chapters 21 and 22.

The UCEMA acknowledges that for the meeting on January 24, 2024, a portion of the meeting was a de facto closed session when members of the public were asked to leave the meeting to conduct a discussion with the county attorney. This was not included on the agenda as required under Iowa Code chapter 21. Regardless, of the fact that this de facto closed session occurred spontaneously, it was improper for the UCEMA to allow it to happen, on January 24, 2024.

The UCEMA has conducted training regarding Iowa Code Chapters 21 and 22 generally, and closed session specifically. The UCEMA endeavored since, and will continue to endeavor in the future, to thoughtfully comply with those expectations.

THIS ACKNOWLED GEMENT HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING PARVIES:

CEMA, Chair Date UCEMA, Coordinator Date

The Iowa Public Information Board

In re the Matter of:		
In re the Matter of:	Case Number: 24FC:0013	
Iowa Public Information Board, Petitioner	Informal Settlement – Iowa Code	
And Concerning:	§ 17A.10	
Union County Emergency Management Agency, Respondent		

On February 2, 2024, Bonnie Castillo filed formal complaint 24FC:0013, alleging that the Union County Emergency Management Agency (UCEMA) violated Iowa Code Chapters 21 and 22. The Iowa Public Information Board (IPIB) accepted this Complaint, which was later presented to the IPIB as a Probable Cause Order. On December 19, 2024, the IPIB voted to accept the Probable Cause Order and proceed to a contested case.

Applicable Law

Iowa law encourages the settlement of contested cases. "Unless precluded by statute, informal settlements of controversies that may culminate in contested case proceedings according to the provisions of this chapter are encouraged." Iowa Code § 17A.10(1). This Informal Settlement is agreed to by the UCEMA in lieu of a contested case proceeding. IPIB will move to a contested case proceeding if the terms of this Informal Settlement are not met by February 7, 2025, and reserves the right to advance to a contested case.

Informal Settlement

Pursuant to Iowa Code § 17A.10(1), the IPIB presents the following Informal Settlement terms as resolution of this matter and in lieu of a contested case:

The UCEMA will complete the following terms by February 7, 2025. If all terms are not met to the satisfaction of IPIB by February 7, 2025, IPIB will proceed to a contested case proceeding.

1. The UCEMA will agree to the full terms of this Informal Settlement at a public meeting of the UCEMA to be held on January 15, 2025. The full Informal Settlement will be read into the record at the public meeting and will be formally approved by the UCEMA. The following statement will be read at the public meeting of the UCEMA and will be included in the minutes: "The UCEMA agrees to the terms of the Informal Settlement and further agrees to fulfill all terms of the Informal Settlement by February 7, 2025. Failure to complete all terms of the Informal Settlement by February 7, 2025, will result in a contested case proceeding before the Iowa Public Information Board." The minutes will be

published, at a minimum, on the UCEMA website. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025 deadline, the draft minutes will be utilized.

- 2. The UCEMA will formally acknowledge that a violation of Iowa Code Chapter 21 occurred at a meeting of the UCEMA on January 24, 2024, when a de facto closed session was held. This formal acknowledgement will occur in a public meeting of the UCEMA to be held on January 15, 2025. The full formal acknowledgement will be included in the minutes, which will be published, at a minimum, on the UCEMA website. The minutes will also be provided to IPIB. If the minutes cannot be formally approved by the February 7, 2025 deadline, the draft minutes will be utilized.
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- 4. The UCEMA understands that this Informal Settlement is a recommendation to the IPIB by IPIB staff. The IPIB may reject this Informal Settlement and advance to a contested case proceeding. The IPIB will review the Informal Settlement on January 16, 2025.

THIS INFORMAL SETTLEMENT HAS BEEN REVIEWED AND FORMALLY AGREED TO BY THE UCEMA. IF THE UCEMA REJECTS THIS INFORMAL SETTLEMENT AT THE UCEMA MEETING ON JANUARY 15, 2025, THIS COMPLAINT WILL MOVE TO A CONTESTED CASE PROCEEDING.

THE FOLLOWING INDIVIDUAL IS AUTHORIZED TO SIGN ON BEHALF OF THE

UCEMA

Dennis Brown.

Date



Title: Union County Emergency Management Commission Meetings – Notices and Publication

Policy Number: 25-001

This policy is set to ensure that meetings of the Union County Emergency Management Commission are in conformity with the Code of Iowa Section 21. This policy covers all Commission Meetings and all Commission Members.

It is the policy of the Union County Emergency Management Commission that all Commission meetings are open to the public, with the exception of the limited circumstances as listed in Iowa Code Section 21.5.

The meeting agenda will be posted and published no later than twenty-four (24) hours prior to the meeting date and time.

- Meeting agendas will be emailed to Commission members and the local news media (for announcement or publication), usually one week prior to the meeting and in any case, no less than 24 hours in advance of the meeting.
- Meeting agendas will be posted on the east door of the EMA Building at 705 E. Taylor St.
 Creston, Iowa and on the bulletin board in the east hallway of the building.
- No items will be discussed unless it is on the agenda, unless it is an emergency and cannot be deferred for 24 hours.
- Public Hearings regarding budgetary matters will be published no earlier than 20 days prior to the public hearing and no later than 10 days prior to the public hearing and be placed in the county newspaper of record.

Approved this day of

January 2025.

Signed:

Title: Union County Emergency Management Commission Meetings – Agenda Development and Posting

Policy Number: 25-002

This policy is set to ensure that meetings of the Union County Emergency Management Commission are in conformity with the Code of Iowa Section 21. This policy covers all Commission Meetings and all Commission Members.

It is the policy of the Union County Emergency Management Commission that all Commission Meetings shall have an agenda that will be made available to the public in accordance with Code of Iowa Chapter 21. The agenda for each meeting shall be developed by the Coordinator and the Commission Chair. It shall be approved by the Chairperson before it is emailed to the Commission members and the local media. It shall be posted on the Union County Emergency Management Building East Door (705 E. Taylor St., Creston) and the East Hallway no later than 24 hours in advance of the scheduled meeting. No items not on the agenda will be discussed at the meeting, unless it is an emergency and cannot be delayed 24 hours.

- Any person shall be able to propose an item for the Union County Emergency
 Management Commission agenda to any Commission Member or the Coordinator.
- Agendas shall be developed by the Coordinator and the Commission Chairperson.
- The Chairperson shall approve the agenda and items that are included on it before it is distributed to other members of the Commission and local media.
- Meeting agendas will be made available to the public via publication, or announcement through local media and posted at 705 E Taylor Street.
- The meeting agenda will be posted at the east entry door to the Emergency Management building located at 705 E. Taylor St., Creston, IA 50801 and on the East Hall bulletin Board inside the EMA building.
- No items not appearing on the agenda will be discussed, unless it is an emergency and cannot be deferred for 24 hours.

Signed this

of January 2025.



Title: Union County Emergency Management Commission Meetings

Policy Number: 25-003

This policy is set to ensure that meetings of the Union County Emergency Management Commission are in conformity with the Code of Iowa Section 21. This policy covers all Commission Meetings and all Commission Members.

It is the policy of the Union County Emergency Management Commission that all Commission shall have minutes showing all actions and discussions at the meeting, whether formal or informal.

- The minutes of the meeting shall show the date, time, and place of the meeting.
- The minutes shall reflect the attendees of the meeting.
- The minutes shall show the actions taken at the meeting.
- The votes of each vote take and information to indicate the vote of each member present.
- Meeting minutes shall be approved by the Commission at the following meeting of the Union County Emergency Management Commission.
- The meeting minutes shall be saved as part of the official record of the meeting in which
 they are approved and attached to records of that meeting. They will also be kept
 electronically in the Coordinator's computer system.
- Meeting minutes that are amended during the approval process and shall be noted in the
 minutes and marked on the coordinator's copy. When approved with changes the
 original typed minutes will be kept with the original file name. A new set of minutes will
 be made with the title "Amended" in it. I.e.; "2024 November Amended Minutes".
- Minutes are kept in written form in the Coordinator's meeting files and electronically.
 Minutes are not posted. Minutes are available for review upon request.

• The minutes of the meeting are public records and subject to public inspection.

Approved this day of ______, January 2025.

Signed:



Title: Union County Emergency Management Public Information Record Requests

25-004

This policy is set to ensure that meetings of the Union County Emergency Management Commission are in conformity with the Code of Iowa Section 22. This policy covers all Commission Meetings and all Commission Members and all records of which it is the lawful custodian

It is the policy of the Union County Emergency Management Commission that all Commission Meeting are open meetings, with few exceptions.

- Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under section 622.46.
- If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record.
- Records will not include Personally Identifiable Information of persons, with the exception of name and voting record during the meeting.
- Closed meeting minutes will not be made available as a public record.
- Any other records which are specifically exempt in Chapter 22 of the Code of Iowa will be excluded.
- Any records requests in which a question of whether or not it is a public record will be forwarded to the County Attorney for an opinion as to whether it is a public record and if deemed as so, will be processed per Chapter 22. If it is not a public record, an explanation will be given as to why it is not a public record in a reasonable amount of time or as required by the Code of Iowa.

Approved this day of family 2025.

Signed:



Policy	Number:	<u>25-005</u>	

This policy is set to ensure that meetings of the Union County Emergency Management Commission are in conformity with the Code of Iowa Section 21.5 This policy covers all Commission Meetings and all Commission Members.

All meetings of the Union County Emergency Management Commission are open to the public, with the exception of the limited circumstances listed below.

Closed Sessions Procedures

There are times when it is necessary for the Union County Emergency Management Commission to discuss commission business in a closed session prior to making a decision in the open meeting. While the *Code of lowa* affords the commission several options to move to closed session, it is imperative commission members are aware of the laws that govern closed sessions. Commission members must follow proper procedures to ensure they comply with the law.

When a Closed Session is Allowed

Code of Iowa Section 21.5 authorizes governmental bodies to close a meeting "only to the extent a closed meeting is necessary" and for one of the lawful reasons. Section 21.5 details numerous reasons that allow a governing body to go to a closed session, with several that apply to emergency management commissions:

- To discuss records that are required to be kept confidential. The Open Records Law (Chapter 22) specifically identifies records that are to remain confidential. A commission may meet in a closed session to discuss these records.
- To discuss strategy with legal counsel in matters that are presently in litigation or where litigation is imminent and where its disclosure would be likely to prejudice or disadvantage the government. Because this topic touches on the issue of attorney-client privilege, it is important to work closely with your county attorney or the attorney representing you in the litigation. The lowa Public Information Board issued an opinion in late 2015 that requires a public statement to be completed prior to the meeting, which acknowledges the

attorney-client relationship between the county and the individual who will serve as legal counsel. The statement can be an existing engagement letter, contract, resolution or designation made in the minutes of a prior meeting. If no statement has been made, the Union County Emergency Management Commission Members should announce before going to the closed session that it will utilize the individual as its legal counsel for the closed session discussion.

- To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered, and when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. This is the most frequently used provision of the law for closing a meeting. It is important to remember that this closed session must be specifically requested by the employee, and any decisions must be made in an open session.
- To discuss the purchase or sale of real estate. The preliminary discussion of purchasing or selling a particular property where the premature disclosure could be expected to increase the price may be made in a closed session. If the issue involves condemnation, the matter is more correctly considered a litigation matter. This provision also requires the minutes and recording of the closed session to be made available for public inspection after the transaction is completed.
- A closed session may also be held to discuss records required by different state and federal laws to remain confidential.
- Other chapters of the Code specifically allow governing bodies to close an open meeting. For example, the Public Employment Relations Act (Code Chapter 20) requires the presentation of the initial bargaining positions of the employer and the bargaining unit to be made in open sessions; subsequent negotiating meetings and strategy sessions are exempt from open meetings law. The commission must return to the open session to take final action on a measure discussed in the closed session. The courts have identified certain exceptions, such as the commission may give direction to its attorney on the settlement of litigation while in closed session.

Closed Sessions Procedures

The commission should identify on its meeting agenda the item(s) that could include a closed session and cite the section in the Code of lowa that allows them to do so. The meeting must begin in an open session with a call to order and a roll call. In order to go into a closed session, there must be a motion to hold a closed session that is approved by two-thirds of the members or all those present. The minutes must record the votes of individual Commission Members members on the question of holding a closed session. In addition, the motion and minutes must state the specific exemption under Section 21.5 of the *Code* that permits a closed session.

Once in a closed session, the commission must not discuss any other business or topic that does not directly relate to the reason for the closed session. Upon completion of the closed session, a motion and vote must be taken to end the closed session and return

to the open session. A governmental body may not exclude a member from attending a closed session unless a member has a conflict of interest due to the specific reason for going to a closed session.

Minutes for Closed Sessions

The commission must audio record and take detailed minutes of the meeting. Both minutes and recordings are required to be sealed and may not be opened except by order of a court. The minutes and recording are required to be kept for at least one year unless enforcement action is initiated. In that case, the minutes and recording must be retained until the litigation is completed. In the case of the purchase or sale of real estate, the minutes and recording must be available for public examination when the purchase is finalized. The state code allows the State Ombudsman to access the minutes and audio recordings of a closed session without obtaining a court order when such examination is relevant to an investigation under *Code* Chapter 2C and the information sought is not available through other reasonable means.

Violations

Actions to enforce the Open Meetings Law may be brought by any aggrieved person, taxpayer, a citizen of the state of lowa, the attorney general or a county attorney. Actions to enforce the Open Meetings Law have also been brought by Commission Members, county employees and various media. To bring a challenge, a party must prove the Commission Members is a governmental body subject to *Code* Chapter 21 and that a closed session was held. The commission bears the burden of proving that the meeting was not in violation. Upon order of the court, the minutes and recording of the closed session may be unsealed and submitted to the judge for review. Following this private review, the court must decide whether any portion of the minutes or recording of the minutes will be disclosed to the person alleging the violation for use in the enforcement action.

Commissions must be aware that a lack of wrongful intent to violate the law cannot excuse noncompliance. In addition, ignorance of the law is not a defense. Members of the commission also cannot be held liable for violations if they reasonably relied upon a decision of a court or a written opinion of the attorney general or their county attorney.

Each member who participated in the violation may be assessed damages in the amount of not more than \$2,500 or less than \$1,000. The members in violation pay this fee to the County. In addition, the costs and reasonable attorney fees are to be paid to the party who established a violation. If the body is found to have had a lawful defense for the violation, the fees and costs must be paid from the commission budget. In addition, the court has the authority to void any action taken in the closed session.

The <u>Iowa Public Information Board (IPIB)</u> is the state agency that provides oversight of the Open Meetings and Open Records laws. Any citizen has the right to file related complaints with IPIB for a potential investigation.

APPROVED THIS

OF January, 2025

Union County Emergency Management Commission

Dennis Brown, Chairperson



Title: Union County Emergency Management Commission Policy Manual

Policy Number: 25-006

This policy is set to ensure that policies of the Union County Emergency Management Commission are documented, easily retrieved, and easily reviewed on a regular basis by the Union County Emergency Management Agency Commission and its stakeholders. This policy covers all Commission Meetings and all Commission Members.

It is the policy of the Union County Emergency Management Commission that all policy documents are titled and numbered. The title shall bear the name of the purpose of the document and the number shall begin with the calendar year, and hyphen (-), and then the next policy number with 3 places (i.e., 25-001).

- Policies are adopted for numerous reasons by the Union County Emergency Management Commission. Most notably, compliance with Federal and State Grants, compliance with Iowa Code, compliance with county policies, and compliance with general practices of Emergency Management activities on a daily basis.
- Policy documents shall be approved by the Union County Emergency Management Commission.
- Policy documents shall be signed by the Chairperson of the Commission.
- Policy documents shall be dated upon adoption of the Policy.
- Policy documents shall be put in a <u>Policy Notebook</u> in Numerical Order with an index to simplify locating the documents.
- Policies will also be kept electronically in a Policy File.
- All policies shall be reviewed on an annual basis or when a legislative change takes place impacting a particular policy.

Approved this day of January 2025.

Signed: