

Guidance Regarding Electronic Meetings in Iowa

by John P. Danos, David D. Grossklaus, Cristina Kuhn, and Emily C. Hammond

Due to the unprecedented outbreak of COVID-19 across the United States and the guidance regarding social distancing, many governmental entities across the State of Iowa are scrambling to grapple with the provisions of Iowa Code Chapter 21 regarding open meetings. In this uncertain time, we wanted to offer guidance to our clients:

Regular Electronic Meeting Requirements Before the Emergency Declaration:

Iowa Code Section 21.8 provides that a governmental entity may conduct a meeting by electronic means where such a meeting in person is impossible or impractical. In order to conduct an electronic meeting under these circumstances, the governmental body must comply with the following:

- Provide public access to the conversation to the extent reasonably possible
- Give notice of the date, time and place of the meeting and of the tentative agenda in a manner reasonably calculated to appraise the public of that information. For the purposes of an electronic meeting, the “place” of the meeting is the place from which the communication originates or where public access is provided to the conversation
- Hold the meeting in a place reasonably accessible and at a time reasonably convenient to the public
- Keep minutes of the meeting, which must include a statement why a meeting in person was impossible or impractical

This provision applies to public hearings as well as to public meetings, provided community members are given an opportunity to provide comment.

Emergency Declaration Electronic Meetings Requirements

On March 19, 2020, Governor Reynolds signed a Declaration of Disaster Emergency (the “Emergency Declaration”). Section Nine of the Emergency Declaration suspends any regulatory provisions that could be interpreted to prevent a governmental body from

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- John P. Danos
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holding meetings or hearings by electronic means. In order to hold an electronic meeting, a governmental body must:

- Provide proper notice of the meeting or hearing; and
- Include a telephone conference number or website address that permits the public to participate in the meeting or hearing*

The Emergency Declaration also suspends the regulatory statutes to the extent that they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as set forth above.

The Emergency Declaration is effective until April 16, 2020, unless extended by Governor Reynolds. Full text of the Emergency Declaration can be found by following this link:

<https://governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.03.19.pdf>.

**If conducting the public meeting or hearing via website, we recommend providing telephone access when possible in order to accommodate community members without a reliable internet connection.*

If you have any questions about electronic meetings, or if you would like us to provide you with tips, advice and/or sample language for your minutes, please feel free to contact us. We are here to serve you in these challenging times.