

Bond Case Briefs

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OPEN MEETINGS ACT - IOWA

City of Postville v. Upper Explorerland Regional Planning Com'n

Supreme Court of Iowa - June 7, 2013 - N.W.2d - 2013 WL 2450154

City and resident-taxpayer brought action against state regional planning commission and its members, alleging violation of the Open Meetings Act, and sought damages.

The Supreme Court of Iowa held that:

- Volunteer members of commission could not be held personally liable for Open Meetings Act violation;
- Issue of fact existed as to whether commission violated reasonable notice requirements for government meetings pursuant to Open Meetings Act;
- Commission complied with statute requiring publication in newspaper of general circulation of names and gross salaries of members regularly employed.

There was no evidence that volunteer members of State regional planning commission engaged in intentional misconduct or a knowing violation of Open Meetings Act in taking secret ballot vote approving contract to purchase property, as required to hold members personally liable for Open Meetings Act violations.

For purposes of provision in statute granting any volunteer serving on any council of governments immunity from claim based upon an act or omission of the person performed in discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, "intentional misconduct" requires more than a reckless disregard for the law, and a "knowing violation" requires a deliberate or conscious act.

Genuine issue of material fact, as to whether public had reasonable access to bulletin board in hallway of State regional planning commission's office, when commission posted public notice of its meeting, precluded summary judgment in action against commission asserting that it violated reasonable notice requirements for government meetings pursuant to Open Meetings Act.