- [Ben] Hello, my name is Ben Humphrey. I'm legal counsel for Iowa Workforce Development and I'm doing a presentation today on the Iowa Open Meetings Act requirements. I'm also going to touch on the federal Workforce Innovation and Opportunity Act requirements and that is where we are going to start.

For Workforce Development Boards under state and federal law, open meetings are required by federal law and state law. WIOA, the Federal Workforce Innovation and Opportunity Act applies to local Workforce development boards and the State Workforce Development Board and the requirements we're going to talk about today apply to both the state board and local boards. Under WIOA, Workforce Development Boards must make available to the public information regarding their activities. They have to do this on a regular basis by electronic posting and through open meetings. Iowa Workforce Development has developed the website www.IowaWDB.gov to meet the electronic posting requirements under WIOA. This is free to use for local Workforce Developments Boards and IWD communications team has developed training for board members and staff to learn on how to post documents to this website so that members of the public can readily access them.

What is an open meeting? WIOA does not define what constitutes an open meeting under federal law. However, Iowa law does define what constitutes an open meeting and this is where the interplay between state and federal law occurs. WIOA requires open meetings but doesn't really delve into what that means exactly. Iowa law requires open meetings and is very specific about what is required for a meeting to be open. And the law that governs is the Iowa Open Meetings Act. It's Iowa Code Chapter 21. We're recording this on January 4th, 2018 a few days before a new General Assembly will begin so our hope is that Iowa Code chapter 21 is not amended too terribly much during the next legislative session or we'll have to come back again and revisit this training. I'm going to start with enforcement and the reason is I want to grab your attention.

As board members, the Iowa Open Meetings Act applies to you and it will be enforced against you if your actions do not comply with it. It can be enforced in district court or with the Iowa Public Information Board and it can be enforced with a filing by a member of the public which is an aggrieved person, which could be an individual or a corporate entity, a taxpayer or a citizen of Iowa. The Attorney General can also enforce this law as can the county attorney in your respective county. It is enforced by fines on members which are what constitutes damages. If a board unknowingly violates the Iowa Open Meetings Act, you can pay a fine between $100 and $500. If you intentionally violate the Iowa Open Meetings Act, you can face a fine of between $1,000 and $2,500. So this is nothing to just blow off and view as unimportant because it can hit you in your personal pocketbook if you do not comply with the law. I don't want to scare you. I just want to show you what the potential consequences are and once we've laid out what the requirements with the law is, I think you'll see that it's relatively easy to comply with. Now that being said, this is early 2018 and toward the end of the year, the state of Iowa Ombudsman issued a decision against the Public Information Board, the very board that is charged with enforcing this law, saying that it violated chapter 21. And after that decision came out, The Des Moines Register lodged a request with the Public Information Board for it to fine its members. In other words, they wanted the members of the board to vote to fine themselves for violating the law. So it can be a little bit tricky in some areas and our hope is that this training will help make it far less tricky and easy to comply with. One way to insulate yourself from fines is by taking the following steps; number one, if you vote against going into a closed session, you're not going to be fined for the board going into a closed session against the law or doing something in closed session that is against the law. And we will get into the closed session requirements later on in this training. A member will also not be fined if the member had good reason to believe and in good faith, believed facts, that if true, would have indicated compliance with the Iowa Meetings Act. And this is just a very straightforward good-faith standard. If a board member thinks that what they are doing is the correct thing to do under the law, they aren't going to be fined and they had good reason to believe that. Another way to insulate yourselves is that when the board reasonably relied upon a decision of a court, the Public Information Board, Attorney General or attorney for the Workforce Development Board with respect to their actions being in compliance with the Open Meetings Act. So if you have an advisory opinion from the Iowa Public Information board saying that going into closed session under these circumstances is appropriate and you do that but then a district court says no, the Public Information Board was wrong, the district court is not going to be able to fine the board members because the board members were acting in reasonable reliance on the Public Information Board opinion. What form can these opinions take? There's the written opinion and then there's also an oral opinion memorialized in the minutes. So if the board has an attorney present and the board asked the attorney whether or not it is appropriate for the board to go into closed session and the attorney opines that it is and the attorney's opinion is memorialized in the minutes of the meeting, the board members will be insulated from a fine. Now let's get into the Open Meetings Act requirements itself. I like to start with the purpose when talking about the Open Meetings Act because I think it helps serve as a guiding light, a beacon, if you will, for what to do and why. And the purpose of the Act is to assure that the basis and rationale of government decisions and the decisions themselves are easily accessible to the people of Iowa. And what that means is we want public discussion laying out the basis and rationale and we want these decisions to be made in public meetings and then also memorialized in minutes. And that way, members of the public have access to the decision making process, the point in time when the decision is made and also can go back and read through meeting minutes to see what the discussion was like, to see what the actions were. We should all know that the law also mandates that when interpreting the Iowa Open Meetings Act, any ambiguity should be resolved in favor of openness. I like to joke this is the anti weasel provision. Folks tend to try to get a little creative when faced with the law and the Iowa Open Meetings Act puts a stop to that saying whatever you think you can argue is ambiguous will be interpreted in favor of openness. So you aren't going to be able to hide your basis and rationale or decisions from the public by trying to hang your hat on a technicality under the Iowa Open Meetings Act. That's not going to work. You're going to fail if you try to go that route.

What meetings are covered by the Iowa Open Meetings Act? Meetings of governmental bodies. For our purposes, that's the State Workforce Development Board, local Workforce Development Boards and committees of Workforce Development Boards. And that's something that a lot of folks are not aware of. A board cannot get around the Open Meetings Act requirement by forming committees because the committees are subject to the act the same as the boards. What is a meeting? It's a gathering, of course, either in-person or electronically, formal or informal so it doesn't matter if the gavel was banged or not to make it a formal meeting. It could just be a loose gathering in an alleyway, as informal as that, of a majority of the members of the Workforce Development Board or a committee of the Workforce Development Board where there is either deliberation or action on any manner within the scope of the board's duties. What is not a meeting? The Open Meetings Act tells us what is a meeting and then it also gives examples of what is not a meeting to help further lay out what this law applies to and what it doesn't.

So what is not considered a meeting? It's a gathering for purely ministerial or social purposes where there is no discussion of policy or no intent to avoid the purposes of the law. So what are some examples? Let's start with social gathering. I think this is the easiest to identify. You have a gathering, where there's a birthday party for a board member, it's attended by a majority of the board members but there's no discussion of policy, there's no intent to circumvent the law; we're just here to celebrate Jane or Joe's birthday. Another one, retirement party for an employee that works at the local IowaWORKS Center that is attended by a majority of the Workforce Development Board members, no discussion of policy, no intent to circumvent the Iowa Open Meetings Act. Now that being said, if you've got a majority of the board members at the retirement party and they all duck away into the conference room and have a discussion of a matter that's before the board, that's not going to be okay because there's an intent to circumvent the Open Meetings Act. They've gotten away from the social purpose of the gathering and they have changed the purpose of that gathering into something much more official and so you don't want to do something like that; arrive at a social gathering but then transition it into something that is more official that is within the purview of the board's duties under the law. A ministerial gathering is a little bit more difficult to hammer down. Ministerial means of or relating to an act that involves obedience to instructions or laws instead of discretion, judgment or skill and while it's true that a Workforce Development Board's functions are put out in the law, put forth in the law, most board actions require discretion, judgment, skill and/or a discussion of policy and so Workforce Development Boards, in fact, have few ministerial duties and so it's unlikely that a board would be able to rely on the ministerial gathering exception to get around in Open Meetings Act.

The Open Meetings Act contains requirements for the location of a meeting, they're pretty straightforward; has to be a place that is reasonably accessible to the public. The thing that I like to say, if you have to go through a gate with a security clearance to get to the board meeting that's probably not going to satisfy the requirement that the location be reasonably accessible to the public because of that gate and because of that security clearance requirement. Most public buildings will meet this requirement. This could be a school building, it could be a Community College building, it could be the IowaWORKS Center, it could be City Hall, those types of buildings. Before the meeting, it's important to make sure that the owner or lessee of the building will allow the public to be on the premises for the Workforce Development Board meeting. In other words, you have to have open access to the meeting for the public and if the owner or lessee of the building does not want open access for the public to that building, you should not have a Workforce Development Board meeting there. Another meeting location requirement is that it's accessible for folks with disabilities. The law requires that Workforce Development Boards provide special access to the meeting to persons with disabilities and this is consists on two levels for accessibility; one is the physical accessibility of the building and the other is accessibility of materials and being able to participate in the meeting. With respect to physical accessibility, this is most easily done by holding the meeting in a building that is accessible for people with disabilities. Those public buildings that I mentioned earlier are usually going to be accessible for folks with disabilities. Schools in particular tend to meet the accessibility requirements in terms of width of doors, slope of floors, elevators or a complete lack of stairs, those types of things. Other buildings that have been built after 1992 or renovated since 1992, typically meet the physical accessibility requirements under the ADA as well so those are good buildings to hold your meetings in because you don't have to worry about physical accessibility. The architect and the construction companies have already done that hopefully. In addition to holding the meeting in an accessible building, the board also has to provide accommodations. These could include assistive technology, auxiliary aids and documents in an accessible format. What do I mean by that? You can't just show up at the meeting and hand out physical papers. You have to be prepared to provide that documentation in an accessible format, probably a PDF or other electronic document that an individual with a sight impairment can use a screen reader on. And so this requires a degree of planning ahead. On the meeting notice for state board meetings, for example, we provide information on how a member of the public can contact us to request a reasonable accommodation. We also make a point of providing the documents in an accessible format that the board will discuss. We provide those to all the board members in advance but we can also send them to members of the public in advance so that they can participate. Time of the meeting. This is a requirement under the law as well. The meeting must occur at a time reasonably convenient to the public. The way that I think about this is what are the typical hours of operation for retail stores or when do people work or go to school, those types of things. So with that in mind, is a 3:00 a.m. start time reasonably convenient to the public? No, it isn't because most people sleep at that time of the day because they need to sleep in order to function whether at work or on the weekend the next day so 3:00 a.m. start time is not going to meet that requirement. What about a 7:00 p.m. start time? Yeah, that's going to be okay. 5:00 p.m, 6:00 p.m, 7:00 p.m, 8:00 p.m, all those are probably going to be okay, reasonably convenient to the public and I would advise doing your meetings during non-working hours so that members of the public don't have to worry about getting off work to participate in the meeting. Meeting notice content requirements are pretty extensive under the law and they're very important that you meet with, that you meet these requirements because this is the standard that you're going to be held up against. To determine whether or not your meeting complied with the law, it's going to be held up, primarily against the notice. You have to provide the date of the meeting: month/day/year, put that on the notice so that there's no question of when the meeting is. The time of day, make sure you indicate whether it's a.m. or p.m. The place, when identifying the place, include the street address, the building name if applicable, the room name or number within the building if applicable, why all of these things? Well, in some instances, for example, if you have it at a school or a community college or another institution of higher education or a complex that has multiple businesses, the street address will get me to the driveway but when it comes time for me to find the meeting itself within that complex, I need to know what building it's in. To get me to the meeting within that building, I need the room name or number and that will allow me to get to the meeting on time and to be able to participate in it as a member of the public. It's always better to err on providing more information with respect to the meeting location than less. It's also a good practice to put some signs up in the building with arrows directing folks on how to get to the building. Excuse me, how to get to the meeting within the building. We also tell folks you need to put electronic participation information on the notice. The reason for that is if you've got a conference call option to increase participation, you need to put that on the notice so that members of the public can call in the same as board members. Other electronic participation options that some of our local boards have experimented with are things like Google Hangouts or Facebook Live and providing that link will also allow members of the public to potentially participate in the meeting electronically. The further in the future we get on this front, the more important it will be.

WIOA requires that boards in their bylaws describe how they will use electronic options to increase board member participation but this also applies to members of the public and this is particularly true with our local workforce development areas. It's not always going to be possible for a member who lives in a county or excuse me, a member of the public or a member of the board who lives in a county in the northwest part of a local area to make it to a board meeting physically in the southeast corner and so allowing that electronic participation option, gives everyone a better opportunity to participate in the meeting. And you need to put that on the meeting notice so that folks can take advantage of it. Electronic participation information, this is conference call phone number and instructions if you have a PIN number, those types of things, make sure those are on there as well. Website link I have appear as an example Google Hangouts, we already discussed Facebook Live. So if you've got the conference call or virtual meeting online, that's what those are tied to. If the meeting is electronic only, there must be a public access point and what does that mean? If we have the conference call or the virtual meeting online, the members of the public have to have a place where they can go to access that electronic meeting. If it's a conference call, there needs to be somewhere where they can go and participate in the conference call. If it's an online meeting, there has to be somewhere where they can go to participate in the online meeting. This is most often a conference room at a public building. It's effectively a remote site where members of the public can participate in a meeting that is electronic only. Because most of our meetings in Iowa of our Workforce Development Boards are hybrids, that is to say they are an in-person meeting with an electronic option, the location of the in-person meeting serves a dual purpose; it's the location of the in-person meeting, it is also the place where you can participate electronically. And that virtual place for participation is either where the communication originates, the person who initiates the call or initiates the virtual online meeting, where the public access is provided to the meeting is the other one and we've already discussed that. Perhaps the most important component after location, time, those things, is the tentative agenda for the meeting. And this is where the board is going to communicate to the public what is going to happen at the meeting. The board has a duty under the law to identify all anticipated discussion and action items with specificity. You can't leave it vague so that someone who is a member of the public won't be able to identify what it is. A typical member of the public must be able to understand the description of all the discussion and action items on the notices agenda in the context of surrounding events. You have to give a full opportunity for public knowledge and participation in the discussion or action items and because of this, I advise boards to avoid using only acronyms and shorthand terminology in their meeting notices. So for example, I don't want to just put WIOA because members of the public may not know what that acronym means. The first time around I want to write out Workforce Innovation Opportunity Act and then do the parenthetical WIOA. That way, a member the public knows the law that is being referenced. Same thing is true for local entities. I probably don't want to use or I don't want to use IWD first time around, I want to do Iowa Workforce Development parenthetical IWD, I want to use Des Moines Area Community College, parenthetical DMACC. I want to write out Workforce Innovation and Opportunity Act, title one adult and dislocated worker program instead of WIOA ADW or something like that. Same thing with promise jobs. I don't want to just do PJ, the list goes on and on. I want to make sure that folks who are members of the public and don't work in this every day don't lose the meaning of an agenda item due to using shorthand or acronyms. I want to make sure that they can understand what is going to be discussed and/or what action is going to be taken. With respect to the tentative agenda, the lone exception to the rule that every discussion and action item must be posted on the agenda is in emergency situations. These are situations where the Workforce Development Board will lose money unless immediate action is taken, will be unable to provide a required service unless immediate action is taken or must act immediately to prevent or mitigate the effects of a natural disaster. These circumstances, these emergency exceptions to the notice of discussion or action, it's very hard to imagine a set of circumstances in which a Workforce Development Board would fall under the exceptions that are emergency situations. A Workforce Development Board will have a lot of notice that it's going to lose money either from the federal government or the state before it needs to take immediate action. And so it's hard to imagine not being able to give 24 hours notice of a meeting. The same thing about being able to provide a required service because of the nature of leases and programmatic functions and contracts and the process is in place there. It's hard to imagine that applying. The most likely thing and even this is probably unlikely is to prevent or mitigate the effects of a natural disaster. So it is very rare where a local or the State Workforce Development Board will be able to get around the notice requirement for agenda items. The meeting notice must be posted at least 24 hours prior to the identified start time of the meeting. If the meeting is at 7:00 p.m. on the second day of the month, the agenda must be posted before 7 p.m. on the first day of the month. We try to get ours out a little bit more in advance to that to give folks as much notice as possible. And I advise trying to do the same thing. That way you avoid there being any question of whether or not the notice was posted 24 hours in advance. If your typical practice is to post it a week in advance or 72 hours in advance, you're never going to have a question of whether or not you got it up in time. The location of the notice of the meeting must be on a bulletin board or other prominent place located at the principal place of business for the Workforce Development Board. This is a little bit odd for a Workforce Development Board because they don't have a principal place of business really per se. What we use for the State Workforce Development Board is the IWD central admin office at 1000 East Grand. For local boards we've used local IowaWORKS. There's nothing limiting you to only posting in these locations however and it's not uncommon for local boards to post it a little more broadly, for example, at satellite offices, at local posting locations within communities in a local workforce development area, at the local community college, those types of places. The posting must be in an area of the building that is regularly used by the public, easily accessible to the public and easily visible to the public. You can't post it on the inside of the broom closet. That's not going to get it done. Likewise, you can't post it in the back of the staff area where the public isn't allowed to go. You need to put it in a lobby area on the front door, somewhere where folks, where the public has a high traffic rate; it's easily accessible to public and easily visible by the public. I advise thinking about the notice of the meeting as an advertisement for the meeting. The more prominent the placement of the notice, the better and so we place it in the front lobby at 1000 East Grand because that is the highest traffic area where members of the public go. There is no requirement for electronic posting under the Open Meetings Act. That being said, it's a best practice in the digital age to put the word out electronically of a forthcoming meeting. There are multiple ways to do this. IowaWDB.gov is one, the state of Iowa has a calendar for board and commission meetings. The state Workforce Development Boards has started using this website this year and the IWD communications team can help local Workforce Development Boards tap into this resource so please reach out to them if you're interested in using it. Another option is local IowaWORKS Facebook page or Twitter, those types of social media. Local board members could use their individual accounts as well to get the word out.

Something that a lot of folks don't know about is the right that the media has under the Iowa Open Meetings Act to request notice of meetings of governmental bodies such as the State Workforce Development Board or local Workforce Development Board or committees of those boards. News media may file a request with the board to receive notice of the meetings. I advise the Workforce Development Board of this requirement. If the media requests it, you have to provide it. It's the way I break it down. It's best to ask the media entity that has made the request to identify the recipient or recipients and the preferred method of delivery for the notice. I think email is best. Why do I think that is best? Because I can get that notice out, I have a time and date stamp and I know that the media got what they asked for and they aren't going to come back and accuse me of not getting them what they asked for and what we're required to provide under the law.

Let's move to closed session. As a general rule I advise avoiding closed sessions to the maximum extent possible. The reason being this is where the liability under the Open Meetings Act is most likely to occur. A closed session is allowable for only a handful of reasons under the Iowa Open Meetings Act and I'm going to go through these pretty quickly because a lot of them will not apply to a Workforce Development Board. Nonetheless, I want you to have knowledge of them. Governmental bodies such as a Workforce Development Board can go into closed session to discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds. It's conceivable that a Workforce Development Board would need to go into closed session under this provision. Another reason is discuss application of letter of patent, hard to imagine that occurring, to discuss strategy with counsel and matters that are presently in litigation or where litigation is imminent, where disclosure of the information would be likely to prejudice or disadvantage the position of the governmental body in that litigation. It's possible that a board could find itself in this situation as well, though hopefully very unlikely. The board can go into closed session to discuss the contents of the licensing examination. This will hardly ever happen for a Workforce Development Board, to discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student. Again, highly unlikely a Workforce Development Board would need to do this. To discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A. Again, highly unlikely. To avoid disclosure of specific law enforcement matters such as current or proposed investigations or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection. Once again, highly unlikely for Workforce Development Board. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. This is probably the most likely circumstance that would require a closed session from a Workforce Development Board where they have a contractor or employee who does services for the board that they want to discuss, for example, a raise, job performance, those types of things, personnel matters and that person wants it done in closed session. The board would need to go into closed session to do that to comply with the Open Meetings Act, to discuss the purchase or sale particular real estate only where premature disclosure could be reasonably expected to increase the price or reduce the price, would receive for that property. It is possible, under some circumstances that a Workforce Development Board although not with federal money would be purchasing real estate and so in some circumstances, albeit rare ones, this could apply. Information contained in records and the custody of the board that are confidential, this could conceivably apply to a Workforce Development Board. Patient care quality and process improvement initiatives for a hospital, this would not apply to a Workforce Development Board. So moving to the procedural requirements for closed session, these are very important and it is imperative that a Workforce Development Board follow these procedural requirements when going into closed session. First, the board must hold a public roll call vote on whether to go into closed session. So this is in the open session and a roll call vote means that every board member's name is read and every board member must vote yes or no to going into closed session. Again, a roll call vote means every board member, individually casts a vote of yes or no on whether to go into a closed session and this is in an open meeting so everyone can see who voted yes or no, the meeting minutes must reflect this roll call vote and if a board member votes against going into closed session, the member's rationale for voting against going into closed session must be recorded in the meeting minutes. When I worked for the Civil Rights Commission, we had a commission member who worked for a media entity and that individual believed that governmental bodies should not be able to go into closed session at all. He thought all deliberations, even where allowed to be in closed session should be public and so whenever the Civil Rights Commission would vote on whether or not to go into closed session, he would vote no and he would say because there should be no closed session under the law. It's that type of thing. Another example would be I don't believe it is appropriate to go into closed session and here's why. And the meeting minutes must reflect that. a Workforce Development Board, after this vote is held, may only go into closed session if one of the following requirements is met: if 100% of the board's voting members are present at the meeting, at least two-thirds of the members must vote in favor of going into the closed session. So if a board has 20 members, at least 14 of them, I believe, must vote in favor of going into closed session; although I'm not quite entirely sure of that math. So let's reduce it down to 10, the board has 10 members, at least seven of them must vote in favor of it if all 10 members are present. If less than 100% of the board's voting members are present at the meeting, all of the members present at the meeting must vote in favor of going into closed session. So if one or more board members are absent from the meeting, every member who is present at the meeting must vote in favor of going into closed session. One of those two requirements must be met. A Workforce Development Board is forbidden from discussing any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session. So if a board votes to go into closed session to discuss an employee's performance, they cannot then discuss a matter relating to the title one program that is unrelated to that employee's performance.

Closed session, Workforce Development Board member attendance is allowed. A board cannot exclude a member from attending the closed session unless the member's attendance of the closed session creates a conflict of interest for the member due to the specific reason announced as justification for holding the closed session. So let's consider an example. Let's say a board member has personally sued the board and the board is going to go into closed session to discuss with their attorneys matters involving the strategy or strategic decisions that they're going to make relating to that litigation. That board member may be denied access because allowing him to attend that meeting would give him an unfair insight into the litigation strategy involving that lawsuit. During closed session, the board must take detailed minutes. The minutes must include all discussion, the persons present at the closed meeting, the action that occurred during a closed session. They must also record the audio of the closed session. So you have minutes plus audio. The detailed minutes and audio recording of a closed session must be sealed and kept by the board and the minutes and audio of the closed session are not public records open to public inspection except upon order of a district court or when such information is relevant to an investigation by the Office of the Ombudsman. Final action. Once the board comes out of closed session, they have to take final action in the open session. So you can vote on what you're going to do during closed session but when you come out, so say you went into closed session to discuss whether or not to maintain an individual as an employee of the board and the board decides not to do that. When the board comes out of closed session, the board must take final action. And they must vote on whether or not to maintain that individual's appointment. And so if they're going to fire that person, they would vote on whether or not to maintain that person's employment in open session and that action and open session would be indicated in the meeting minutes. When you're doing the minutes, indicate a clear demarcation point between closed session and coming out of closed session in open session resuming. I advise a member of the board making a motion to resume the open session after the closed session has concluded.

Rules of conduct at public meetings. The use of recording devices is allowed by members of the public and the media; this includes cameras and audio recording. A board may also put into place reasonable rules for the conduct of its meetings. This is to ensure that they are orderly and free from interference or interruption by spectators. Just as a point of comparison, meetings of congressional committees are open to the public but protesters interrupting and interfering with the orderly conduct of the meetings is prohibited and so it's a similar dynamic with governmental bodies under the Iowa Open Meetings Act and that includes Workforce Development Boards. Electronic meetings. We touched on this earlier. These are the requirements overall, we touched on them in the context of notice of the meeting. This section of the presentation is going to touch on all of the requirements for electronic meetings to occur. They are special requirements. A board can only have an electronic meeting where an in-person meeting is impossible or impractical. This means that you have an actual meeting either via conference call or online where there's streaming video or streaming audio. You cannot vote by email, you may not hold a meeting by email. You should not hold discussion by email either. Email is not a viable way to vote or take action, it is not a viable way for a majority of board members to discuss a matter before the board. Board members or a handful of board members can discuss something by email but not a majority of the board. Email is not an acceptable substitute for an in-person meeting, a conference call meeting or a streaming meeting online, whether that's audio or video, what-have-you. The board must provide public access to the conversation of the meeting to the extent reasonably possible under the circumstances. This is a room with a speakerphone for the public to participate in the meeting by conference call, access to the online meeting in a room, that the public has access to if the meeting is held virtually on the internet. The electronic-only meeting must comply with the Open Meetings Act requirements that we've already discussed for notice, location of the public access point to the meeting must meet the location requirements for an in-person meeting under the Iowa Open Meetings Act. The accessibility requirements for persons with disabilities. In addition to the normal requirements for meeting minutes, the minutes for an electronic meeting of a Workforce Development Board must also include a statement explaining why the meeting was not held in person; in other words, why meeting in person was impossible or impractical. I know we're recording this in January and it's not uncommon for mother nature to dictate an electronic-only meeting or at least an electronic option because of a blizzard or an ice storm, something like that. You need to put that in the meeting minutes if you have an electronic only meeting.

With respect to meeting minutes, they must include, you must keep them for every single board meeting you have and every single committee meeting that you have. They must include the following content: the date of the meeting, time of the meeting, place of the meeting, members that are present, all action taken at the meeting, the results of each vote taken by the board or committee with sufficient information to determine the vote of each member present. This does not mean that you have to do a roll call vote on every vote. Unanimous meets the requirement to provide information sufficient to determine the vote of each member present. If a board votes 18 to nothing, all you have to do is write unanimous passage. If a board votes against something 18 to nothing, the same thing, unanimously voted against this. If a board member abstains from voting due to a conflict of interest, you need to record that with respect to the vote as well as unanimous passage because you want to indicate that that board member did not participate in the meeting. It's not uncommon for a board to have a motion, the motion seconded further discussion if necessary and then a vote. And then if it appears that there are some in favor and some against, then you would have to a roll call vote in order to accurately reflect the vote of each board member in the minutes but a division and a roll call vote is not necessary if every member votes for or against a proposal before the board.

All meeting minutes are public records and are open to public inspection. They can be posted on IowaWDB.gov. We advise you to do this because it cuts down on having to respond to requests for meeting minutes. Just makes it a lot easier. You can say you can go to our webpage here; IowaWDB.gov and you can get the meeting minutes there. Meeting documents, documents that are distributed and/or discussed at a board meeting qualify as public records and must be open to public inspection, the same as the minutes. If you're going to discuss an application to the eligible training provider list, that application is going to be a public record and you should post that online on IowaWDB.gov. Again, that functionality is in existence at present and the Iowa Workforce Development Communications team can help you get training on how to post those on that website. IWD has developed tools for Workforce Development Boards. We have general guidance on open meetings requirements. We also have a meeting notice template. If you'd like those, you can get in touch with the IWD communications team or Shelley Evans, the paralegal here at IWD for the legal team and we can get those sent out to you. Also, if you have any questions, you can run those through the IWD communications team, IWD legal or the the WIOA bureau chief.

I want to thank you for taking the time to go through this. This is dry subject matter but it's important. It's important for multiple reasons, most importantly probably to you as an individual board member is your potential to be personally liable in the form of a fine but it's also very important to give members of the public proper notice and ability, and opportunity to participate in the Workforce Development Board decision-making process. So thanks again and thank you for serving and take care.