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May 4, 2016

VIA EMAIL ONLY

Mrs. Janna Arndt
President, Board of Directors
Mason City Community School District
Mason City, Iowa

RE: Open Meetings Law

Dear Janna:

You have advised me that the Board of Directors is considering whether to terminate the employment agreement of Dr. Anita Micich. You have asked for my opinion, as attorney for the Board, regarding the legality of the Board holding a closed session to communicate with legal counsel concerning this matter.

Your question is one which is governed by the Open Meetings Law – Iowa Code Chapter 21. The Open Meetings Law requires that meetings of a governmental body be held in open session unless there is express statutory authorization to hold a closed session.

Iowa Code Section 21.5(1)(c) provides that a governmental body may hold a closed session: “To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.”

I have reviewed the employment agreement of Dr. Micich. The agreement contains no provision for termination that is not by mutual consent.

Iowa Code Chapter 279 authorizes the Board to employ staff to conduct the business of the School District, and Iowa Code Section 279.23 governs the issuance of contracts to administrators. The term “administrator” is defined in Iowa Code Section 279.23(4). The definition of “administrator” includes superintendents for school districts.

If the Board were to decide to initiate procedures for the termination of Dr. Micich’s contract, Board would be required to comply with the following requirements:

- A. The Board must first meet and to vote to consider the termination of Dr. Micich’s contract.