

**A non-zoning case of note: Long v. Trustees of Grant Township, Union County, Iowa (Iowa Court of Appeals, July 30, 2008)**

*Are “quasi-judicial” hearings subject to the Open Meetings Law?*

In March 2005 the Rosses filed a request that the township trustees act in their power as fence viewers pursuant to Iowa Code 359.17 (2005) and Iowa Code chapter 359A and address a controversy between themselves and the Longs regarding the north-south partition fence. One of the landowners filed a claim for violation of the Open Meetings Law. The evidence heard by the district court was conflicting as to the events of the day of the fence viewing; particularly whether decisions by the fence viewers were made in the field or in the machine shed of one of the trustees, and whether all the landowners were allowed to be present during the conversations of the trustees.

The case is interesting for planners and zoning administrators because of the Court’s following observations of the reach of the Open Meetings Law:

“One matter deserves preliminary mention. The trustees acknowledge that the Iowa open meetings statute applies to any “meeting” of the trustees, but urge in part that their action as fence viewers in this case did not constitute a “meeting.” A meeting is relevantly defined as “a gathering ... of a majority of the members of a governmental body where there is deliberation or action upon any matter *within the scope of the governmental body's policy-making duties.*” ... The trustees appear to argue that their action as fence viewers was not a “meeting” as it did not involve “policy-making duties.” Their argument may well have merit, as their function as fence viewers appears to involve adjudicative duties rather than policy-making duties.”

The Court bailed out on answering their own question by deciding the case on other grounds. If this logic were to hold true does this mean that meetings of zoning boards of adjustment are not subject to the Open Meetings Law? It will be interesting to see if this issue ever comes up in subsequent cases.