

## Before The Iowa Public Information Board

In re the Matter of: Dakoda Sellers, Complainant And Concerning: City of Vinton, Respondent	Case Number: 22FC:0118  <b>Informal Resolution Report</b>
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COMES NOW, Daniel M. Strawhun, Legal Counsel for the Iowa Public Information Board (IPIB), and submits this Informal Resolution Report:

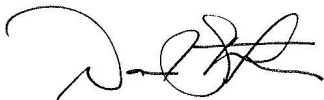
On November 11, 2022, Dakoda Sellers filed formal complaint 22FC:0118, alleging that the City of Vinton violated Iowa Code chapter 22.

On October 28, 2022, Sellers submitted a request for all emails sent or received by the City Administrator from October 21 through October 27, 2022. The City provided Sellers a fee estimate of \$1,295.75, prompting Sellers to file this complaint challenging the reasonableness of the fee. IPIB accepted the complaint on January 19, 2023.

The parties have agreed to informally resolve the complaint. A copy of the informal resolution is attached to this report as Exhibit A.

It is recommended that the IPIB approve the proposed informal resolution, direct the IPIB chair to sign the informal resolution, and set the matter for compliance review in accordance with its terms.

Respectfully submitted,



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Daniel M. Strawhun  
Legal Counsel, IPIB

CERTIFICATE OF MAILING

This document was sent by electronic mail on DATE, 2023, to:

Dakoda Sellers

Douglas Herman, Attorney for the City of Vinton

# INFORMAL RESOLUTION

22FC:0118

Sellers/City of Vinton

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Dakoda Sellers filed formal complaint 22FC:0118 on November 11, 2022, alleging that the City of Vinton (City) violated Iowa Code chapter 22 on November 10, 2022.

Mr. Sellers sought review from IPIB of the fee estimate and underlying policy imposed by the City for records requests.

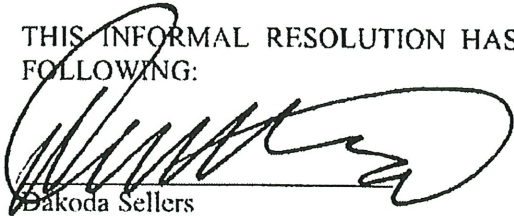
IPIB accepted this complaint on January 19, 2023. Pursuant to Iowa Code section 23.9, the parties approve an Informal Resolution with the following terms:

1. The City acknowledges that the fees at issue were not reasonable and were not based upon actual costs.
2. The City shall revise its fee policy to comply with Iowa Code Chapter 22. These revisions will include the following items:
  - a. That any fees charged for records requests, including fee estimates, will be charged based on the hourly rate of the employee who completes the record request multiplied by the number of hours it takes to complete the request.
  - b. That attorney fees will only be charged to the requester, if at all, for the time an attorney spends reviewing confidential records, not for the time the attorney spends reviewing records to determine whether they are confidential.
  - c. That the City may charge requesters for time spent by IT professionals to complete records requests if utilization of such professionals is reasonable given the specific circumstances of the request. However, work that is unrelated or incidental to the request may not be charged to the requester.
3. The parties acknowledge that the above items relate only to the fees that may be charged to requesters and do not purport to limit the City's freedom to utilize services at its own expense.
4. The City shall send the revised fee policy to IPIB for review and guidance before implementing the revised fee policy.
5. After IPIB reviews the policy, legal counsel for the City shall meet with the relevant City staff to explain and answer questions regarding the policy changes. The City shall notify IPIB staff by email after this training session has been held.
6. The parties shall work together to ensure that the records at issue in this complaint are released to Mr. Sellers upon payment of a revised fee.
7. The City shall notify IPIB staff by email when the records have been released to Mr. Sellers, and Mr. Sellers shall respond by email confirming receipt of the records and stating whether the records released satisfy his request.

8. If the parties are unable to effectuate such release of the records, the parties shall inform IPIB staff, at which point IPIB staff will mediate the release of the records.

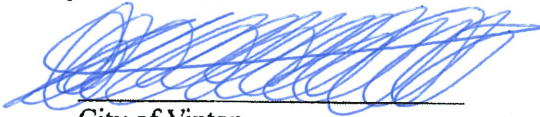
The terms of the Informal Resolution will be completed within 60 days of the approval of all parties. Upon successful completion of the terms, IPIB will dismiss this complaint.

THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

  
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Dakota Sellers

8-16-23  
Date

  
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City of Vinton

8-24-23  
Date

By: MAX MANWARD JR  
(Print Name)

IPIB:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date