

The Iowa Public Information Board

In re the Matter of: E.J. Bell, Complainant And Concerning: City of Atkins, Respondent	Case Number: 21FC:0109 Dismissal Order
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COMES NOW, Margaret E. Johnson, Executive Director for the Iowa Public Information Board (IPIB), and enters this Dismissal Order:

On November 23, 2021, E.J. Bell filed formal complaint 21FC:0109, alleging that the City of Atkins (City) violated Iowa Code chapter 22.

Mr. Bell alleged that on November 7, 2021, he wrote to the mayor and city clerk:

I am looking to get some information. I would like for you to provide what the Resolution # is and documentation of the Resolution for the camera policy that is in place that covers city property. I would specifically like to know when it was passed and went into affect.

I also would like a copy of the policy for cameras that the City of Atkins is using. Also provide a current list of people who have access to the video footage and a list of all cameras and where they are currently placed on city property. Also a list of where they have been placed since you have been using these cameras.

I would like to formally request an open records request of ALL video footage taken specifically from the camera on City Hall facing the door when going into the main entrance doors going into the building since it was installed on that location.

I would like to know who installed it and for the purpose in which it was placed and everyone that knows about it being their of city staff, current council members/ mayor that would know about it or legal authority.

Please respond within one business day from November 8th 2021 to know when I should expect ALL this information.

Mr. Bell provided a follow-up email on November 10, 2021, requesting an update on the status of his request. Mr. Bell was elected to the city council on November 2, 2021.

On November 23, 2021, the city administrator responded to the complaint, forwarding an email dated November 8, 2021, from the mayor stating that all council members will receive copies of all policies, ordinances, handbooks, plans, and other information at the city council orientation in mid to late December. Mr. Bell received this email, but alleged that his request was as a public record request and not as a councilmember.

The Council referred the complaint to legal counsel, along with another complaint filed on November 29, 2021, by another city council member (21FC:0111). Legal counsel responded to both complaints, indicating, in part, that the documents requested concerning security cameras

do not exist. Counsel also stated that the Mayor initially thought Mr. Bell was requesting documents in his role as a newly elected council member. The records were collected and provided to Mr. Bell on December 21, 2021.

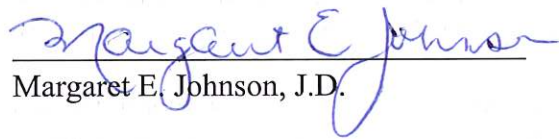
It appears that the initial request was misunderstood. Once the nature of the request was clarified, the records that existed were provided to Mr. Bell, along with other materials he would need in his role as a city councilperson.

Iowa Code section 23.8 requires that a complaint be within the IPIB's jurisdiction, appear legally sufficient, and have merit before the IPIB accepts a complaint. This complaint does not meet those requirements.

IT IS SO ORDERED: Formal complaint 21FC:0107 is dismissed harmless error pursuant to Iowa Code section 23.8(2) and Iowa Administrative Rule 497-2.1(2)(b).

Pursuant to Iowa Administrative Rule 497-2.1(3), the IPIB may "delegate acceptance or dismissal of a complaint to the executive director, subject to review by the board." The IPIB will review this Order on February 17, 2022. Pursuant to IPIB rule 497-2.1(4), the parties will be notified in writing of its decision.

By the IPIB Executive Director


Margaret E. Johnson, J.D.

CERTIFICATE OF MAILING

This document was sent on the 8th day of February, 2022, to:

E.J. Bell
City of Atkins