

The Iowa Public Information Board

In re the Matter of: Julie DeMeulenaere, Complainant And Concerning: City of Atkins, Respondent	Case Number: 21FC:0111 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 29, 2021, Julie DeMeulenaere filed formal complaint 21FC:0111, alleging that the City of Atkins (City) violated Iowa Code chapter 22.

Ms. DeMeulenaere alleged that on 29 separate occasions, the City failed to fulfill her public records requests. Because nine of the alleged violations occurred prior to the 60-day jurisdictional time limit imposed by Iowa Code section 23.7(1), those are beyond the jurisdiction of the IPIB.

The remaining 20 allegations include information and complaints that are not public record requests, such as an indication that a second or third request was made for the same record, comments about the length of time that passed from the request to the release of information, or questions posed rather than record requests.

It appears from the complaint that her request for copies of the "Video Policy" and the "Code of Conduct policy" on November 5, 2021, were not provided by the date of her complaint. Ms. DeMeulenaere is a member of the city council.

Legal counsel for the City responded to this complaint, as well as formal complaint 21FC:0107, indicating that the requests submitted by Ms. DeMeulenaere were considered to be requests for documents she would receive as a city council member and not as public record requests. The requested policies were provided to her on January 5, 2022. The Mayor explained that there was a delay in locating some of the records due to damage to City offices during the August 2020 derecho and the displacement of City records.¹

The Mayor stated that he believed the initial record requests were not public record requests, but requests from a council member. Once the nature of the request was clarified, the records were provided.

¹ Information provided by both parties, as well as by others familiar with the City, indicate that there has been considerable conflict among the council members, the Mayor, and City staff. This has led to accusations of questionable behavior and an inability to work cooperatively.

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:0111 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:

Julie DeMeulenaere
City of Atkins, Holly Corkery, legal counsel