

The Iowa Public Information Board

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| In re the Matter of: Don Benedict, Complainant And Concerning: City of Sidney, Respondent | Case Number: 23FC:0072 Informal Resolution |
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On July 11, 2023, Don Benedict filed formal complaint 23FC:0072, alleging that City of Sidney (City) violated Iowa Code chapter 22.

Mr. Benedict alleges that on June 15, 2023, he sent a public information request to the City requesting all City email communications concerning an incident on May 22nd. In response to the request, the City provided email logs on June 16, 2023. After reviewing the logs, Mr. Benedict sent a new public information request on June 16, 2023, for all City email communications between:

- Ken Brown and Riley Christie
- Ken Brown and RC tree service
- Ken Brown and Fichter law firm

On June 16th, Ken Brown indicating he would not comply with the public records request. Mr. Brown is the Mayor of the City. Due to Mr. Brown's unwillingness to turn over the public records, the City Council voted at the July 10, 2023, council meeting for the City to access the City's email archives and release the information to the city attorney for review in response to the records request. Mr. Benedict further alleges he was told by the city attorney that Mr. Brown is threatening litigation if the City proceeds with responding to the public records request without his cooperation. Mr. Benedict alleges that Mr. Brown has indicated he will not cooperate in complying with the request without an order from the Iowa Public Information Board.

The Iowa Public Information Board (IPIB) accepted the complaint on August 17, 2023. Pursuant to Iowa Code section 23.9, the parties have agreed upon the following terms for an informal resolution of this matter:

1. The city acknowledges that there was sufficient evidence of a violation of Iowa Code chapter 22 when Ken Brown, as mayor of the city of Sidney, refused to cooperate with other city officials and staff in complying with a records request. The city provided documentation of the mayor's refusal to provide his public email records and subsequent

deletion of public records. The city of Sidney will include this acknowledgement of the mayor's conduct and refusal to comply with state law in the minutes of an open meeting.

2. The city of Sidney will conduct Open Meetings and Public Records training at an open meeting. This training will be conducted by the Iowa League of Cities or the Iowa Public Information Board.
3. The city of Sidney will review its public records and retention policies for email and make any necessary changes to prevent future loss of records or delays in complying with records requests.
4. The city of Sidney will approve this agreement at an open meeting and provide a copy of this Informal Resolution with its meeting minutes.

All terms of this Informal Resolution shall be completed within 60 days of the date of approval of this Informal Resolution by all parties. Upon showing proof of compliance, the IPIB will dismiss this complaint as successfully resolved.

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

Don Benedict

Date

City of Sidney

By: _____
(Print Name)

Date