

November 18, 2022

Michael Merritt
PO Box 187
Newton, IA 50208

Re: Response to Multiple Records Requests

Dear Mr. Merritt:

This letter provides additional responses to your Oct. 5th and 10th open records requests, as well as a response to your Oct. 30th request. The Oct. 5th request to the City of Newton appeared to seek “all electronic mail and attachments sent or received from the City of Newton, IA to the Newton Daily News.” The follow up request dated Oct. 10th sought “records sent to the Newton Daily News for their crime blotter.”

The initial response to your above requests estimated a minimum cost at least one thousand five hundred dollars (\$1,500), and you were asked to let the City know if you wanted to narrow your request—which you did not. As previously stated, the City only retains emails on its server for thirty (30) days so responding to your request will require staff checking each employee account to search for the requested documents. The revised response to your Oct. 5th and Oct. 10th requests is that IT staff will be required to search approximately one hundred and twenty (120) outlook accounts as well as the City’s physical files. Estimating thirty (30) minutes per account to run the request search term, it is estimated it will take at least sixty (60) hours to search all accounts. The hourly rate for the person performing the search is twenty-five dollars (\$25.00) an hour, so the minimum estimate of costs remains one thousand five hundred dollars (\$1,500.00). There would be additional costs for the search of the physical files, as well as additional costs to review and redact any documents found in the outlook accounts or in the physical files, but an accurate amount of those costs cannot be determined at this time. You would be required to pay all costs before the records would be provided; however, you would only be required to pay one thousand five hundred dollars (\$1,500.00) for the City to begin the process of responding to your Oct. 5th and Oct. 10th records requests.

Your Oct. 30th request for records sought:

- (a.) Official portrait of City of Newton, IA Mayor Michael L. Hansen.
- (b.) Official portrait of City of Newton, IA Council Member Mark Hallam.
- (c.) Official portrait of City of Newton, IA Council Member Melissa Dalton.

- (d.) Official portrait of City of Newton, IA Council Member Craig Trotter.
- (e.) Official portrait of City of Newton, IA Council Member Vicki Wade.
- (f.) Official portrait of City of Newton, IA Council Member Evelyn George.
- (g.) Official portrait of City of Newton, IA Council Member Randy Ervin
- (h.) Official group portrait of the City of Newton, IA Mayor and City of Newton, IA City Council.
- (i.) Official portrait of City of Newton, IA City Administrator Matt Muckler.
- (j.) Official portrait of City of Newton, IA City Clerk Katrina Davis.
- (k.) Newton, IA Police Department Iowa Incident Report showing Michael J. Merritt violated Iowa Code Chapter 708.7 as communicated by City Attorney Matthew Brick and the City of Newton, IA on 08 AUG 2022. This criminal allegation was utilized by the City of Newton, IA, and its legal counsel City Attorney Matthew Brick as the foundation for denying Michael J. Merritt access to public accommodations (electronic mail) provided by the City of Newton, IA, to its citizens.
- (l.) City of Newton, IA 03 OCT 2022 City Council Meeting multimedia file.
- (m.) City of Newton, IA 24 OCT 2022 City Council Meeting multimedia file.

With regard to requests (a) through (j), it is not clear what you mean by “official portraits.” However, there are photos of all of the above individuals available to be download at no cost on the City’s website at:

<https://www.newtongov.org/95/City-Council-Mayor>,
<https://www.newtongov.org/115/City-Administrator>, and
<https://www.newtongov.org/117/City-Clerk>,

If you want the City to print copies of these photos, let me know and I will provide an estimate of the cost.

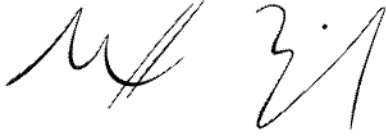
With regard to request (k), there are no documents responsive to your request as the August 8, 2022, communication does not allege a violation of Iowa Code Chapter 708.7.

Finally, with regard to requests (l) and (m), it is not clear what you mean by “multimedia file.” If you are seeking the video of meetings, those are available at no cost online at:
<https://www.newtongov.org/AgendaCenter>

If you want the City to download and provide you with something other than the video of the meeting, please clarify your request.

As mentioned previously, City staff has been included in several emails and letters from you asking questions and seeking information. So, if there is outstanding information you have requested from the City but have not received a response to, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'MSB', written in a cursive style.

Matthew S. Brick