



**MEETING TYPE
STAFF REPORT**

Agenda Date: 04-07-2025

**Eric Buckman, City
Manager:**

Department: City Commission

Department Head Name:

Presenter: Kim Berry

Kim Berry, City Clerk:

This form and any background material must be approved by the City Manager, then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.

AGENDA ITEM TITLE: Freedom of Information Act Appeal – Gary Kovala

City of Gladstone FOIA Policies and Guidelines Section 8 Appeal of a Denial of Public Record (page 8) located on City website

The City Commission must review the denial to disclose public records made by the FOIA Coordinator and make one of the following decisions and respond in writing:

- Reversing the disclosure denial
- Upholding the disclosure denial
- Reverse the disclosure denial in part and uphold the disclosure in part
- Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the City of Gladstone Commission shall respond to the written appeal. The City of Gladstone Commission shall not issue more than 1 notice of extension for a particular written appeal.

BACKGROUND:

The City received a FOIA request from Mr. Kovala regarding public disclosure of personal information in the City of Gladstone’s Board of Review (BOR) minutes online. See FOIA request dated 03-07-2025. This request was denied see City of Gladstone denial letter dated 03-17-2025.

The Freedom of Information Act 442 of 1976 is an Act to provide for public access to certain public records of public bodies. Upon consultation with City Attorney Steve Mann, a denial letter was issued as Mr. Kovala’s request does not request any records, rather, he is requesting that public records be altered, FOIA does not provide for such action.

FISCAL EFFECT:

Staff time

SUPPORTING DOCUMENTATION:

- Email Mr. Kovala’s Appeal dated 03-21-2025 6:06 PM
- Email City FOIA Denial Letter dated 03-17-2025
- Email Mr. Kovala’s FOIA Request dated 03-07-2025
- Communication Timeline w/ Mr. Kovala
- Freedom of Information Act 442 of 1976

RECOMMENDATION:

Motion to uphold the denial response by City Clerk Kimberly Berry dated March 17, 2025 as the FOIA request was not for public records.