



**BUSINESS OF THE CITY COUNCIL  
AGENDA STATEMENT**

Item No. 19  
For Meeting of 3.03.2016

**ITEM TITLE:** Discussion and possible consideration of a resolution adopting an Open Records Policy and Fee Schedule.

**CONTACT PERSON(S):** Jean Furler, Finance Director

**SUMMARY EXPLANATION**

Attached for your review and consideration is a public records policy and fee schedule. The policy was based on a policy that has been examined by the Iowa Public Information Board.

It addresses how the city will handle information requests moving forward and also discusses the fee schedule.

<input checked="" type="checkbox"/> Resolution _____ Ordinance _____ Contract _____ Other (Specify) _____
Funding Source _____
APPROVED FOR SUBMITTAL _____  City Manager

**STAFF RECOMMENDATION:** Consider adoption after discussion.

RESOLUTION NO. \_\_\_\_\_

**A Resolution Adopting Open Records Policy and Fee Schedule**

WHEREAS, State law requires cities to maintain public records; and

WHEREAS, the City receive public information and open records requests on a regular basis; and

WHEREAS, the attached policy addresses how open records requests will be handled and sets a fee schedule.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norwalk, Iowa, that the attached City of Norwalk Open Records Policy is adopted.

PASSED AND APPROVED THIS 3<sup>rd</sup> DAY OF MARCH 2016.

\_\_\_\_\_  
Erika Isley, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
Jodi Eddleman, City Clerk

<u>ROLL CALL VOTE:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Isley	___	___	___
Kuhl	___	___	___
Lester	___	___	___
Livingston	___	___	___
Riva	___	___	___

## **CITY OF NORWALK**

### Open Records Policy

**1. Purpose.** This Open Records Policy defines the procedures and fees associated with handling open records requests made to the City of Norwalk.

**2. Background.** The City of Norwalk (the City) is subject to Iowa's "Open Meetings" laws (Iowa Code Chapter 21) and "Open Records" laws (Iowa Code Chapter 22). Iowa Code Chapter 22's definition of a "public record" is broad, and includes "all records, documents, tape or other information, stored or preserved in any medium."

There are exceptions that protect certain records and documents from public disclosure. Most exceptions are listed in Iowa Code Section 22.7; others are provided elsewhere in the Iowa Code or by federal law.

The City may incur expenses and staff time to respond to record requests, and the law requires the City to comply with records requests within reasonable time limits and permits the City to charge reasonable fees reflecting the costs to produce copies and for staff to procure and prepare documents.

**3. Goals.** This policy's goals are to provide direction on the handling of records requests; to standardize fees and costs for complying with record requests; and to promote consistent compliance with the applicable laws.

**4. Designated Custodian for Chapter 22 Open Records Matters.** Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as a "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to public. The City's "lawful custodian" is the City Clerk, or any such employee who is assigned such responsibilities by the City Clerk.

**5. Information Needed for Processing an Open Records Request.** Record requests can be made via letter, email, fax or verbal request. To accurately and timely process a records request, the City will need to know the full extent of the request and how to contact the requestor (name, address and phone number) in case the Clerk has any questions or concerns. If at all possible, the requestor should put his/her request in writing using the City's Open Records Request Form. Requests for information should identify the requestor, the specific category or type of information sought, a reasonable time period for which such information is sought, and such other information as will allow City staff to accurately identify the records sought and timely respond to the request.

**6. Routine and Non-Routine Records Requests.**

**A. Routine Requests.** Routine records requests are those expected to be completed within 15 minutes and involving fewer than 10 pages of material. Routine records requests may be handled directly by the department involved

with notice of the request. Examples of routine records requests include, but are not limited to, a customer's request for copies of his/her own billing records, meeting minutes or agendas, and specific resolutions or ordinances.

**B. Non-Routine Requests.** Non-routine records requests are expected to take longer than 15 minutes to complete or involve more than 10 pages of material. City staff should provide any non-routine records request to the City Clerk immediately upon receipt. The City Clerk will coordinate the response to all non-routine records requests with affected departments through the chain of command.

**7. Requestor's Options for Examining or Copying Records.**

**A. In-person Examination of Records.** Those seeking public records within the control of the City may examine the records at City Hall during normal City business hours. The City requires adequate notice for in-person examinations, as prior review, safekeeping and/or supervision may be required. In-person examinations will be supervised by City staff and conducted in a manner directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons will need to specifically and clearly indicate any records requested for copying.

**B. Personal Review Not Required.** Requestors are not required by law to be personally present for the examination of records and may ask that the City examine its records and provide copies of records that correspond to the request in accordance with the terms and conditions of this policy.

**8. Form of Response to an Open Records Request – Paper Copies Only.** It is City policy to provide paper copies of records. Responses provided in any other media are at City discretion and may incur additional fees.

**9. Fees.** The City's Open Records Policy Fee Schedule, as updated from time to time, applies to all records requests. The City will provide 15 minutes of City staff time free of charge to respond to each requestor monthly. Under the Fee Schedule, a financial deposit may be required, and if required, no work will begin on a request until the deposit is received.

**10. Estimated Response Time.**

The City strives to respond to open records requests within 20 calendar days, but unique circumstances may extend that response time. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required to review and potentially redact the material.

**11. Exceptions.** Any requests for an exception or deviation from this policy must be approved in advance by the City Manager.

**12. Confidentiality and Third Party Liability.** Although any records produced by the City may be deemed to be “public records” within the meaning of Iowa Code Chapter 22, the City takes no responsibility for all requesters’ obligations to use this information in compliance with any and all local, state, and federal laws, including but not limited to laws relating to privacy, harassment, discrimination, debt collection, libel, slander and tort. If any third party makes a claim against the City of Norwalk for any misuse of this information attributable to any requester(s), the City will pursue all available legal remedies against such requester(s).

Any questions concerning the City’s Open Records Request Guidelines, the City’s Open Records Policy or related procedures or fees should be directed to the records custodian:

City Clerk  
City of Norwalk  
705 North Avenue  
Norwalk, IA 50211

## Open Records Policy Fee Schedule

The following fees and costs will be charged pursuant to Iowa Code Chapter 22 for access to and/or copies of public records maintained by the City of Norwalk.

### 1. Basic Fees.

<u>Service</u>	<u>Guidelines/Conditions</u>	<u>Fee</u>
Copies of paper documents	Photo copies - 8.5 x 11 Oversized copies	\$0.25/page by estimate
Copies transmitted by fax	limit to 10 pages	\$3.00/page (local or toll-free) \$6.00/page (long distance)
City Maps		\$0.25
Additional Maps schedule		See Development Dept. fee
Council packets per page		\$0.25 / maximum \$5.00
Mailing lists for residents		\$25.00
Mailing lists labels		\$40.00
Mailing lists labels for apartments		\$50.00
Returned Check Fee		\$20.00
Recorded meetings		\$5.00
Zoning code copies without maps		\$25.00
Zoning code copies with maps		\$40.00
Comprehensive plan copy		\$40.00
Zoning/land use map copy		\$5.00
Site plan ordinance copy		\$10.00
Postage for Copies Mailed	Prepayment is required for postage cost. All copies are sent certified mail, return receipt requested	Actual Cost
Photocopies from microfiche or other stored or compiled backup or other sources	Prepayment required	Actual Cost

**2. Labor.** Non-incidental or supervisory services. The first 15 minutes of non-incidental or supervisory services provided by City staff in any search, preparation, retrieval, or supervision of examination of open records during a given month will be free of charge. The free 15 minutes is calculated based on time spent fulfilling any request placed in the same month by any one individual. For non-incidental or supervisory services performed by City staff lasting longer than 15 minutes, requestors will be charged for each additional 15 minutes of services provided. The charge will be based on the actual wages of the employees performing the services. The labor charges will not include the costs of employee benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office, per Iowa Code §22.3.

All public record examination and copying will be done under the supervision of the lawful custodian of the records or his or her designee. Unless a requestor makes other arrangements with the City, requested records will be available for the requestor's review for a period of one week after notification to the requestor that the originals are available. If the requestor does not review or make other arrangements with the City within one week, the requestor may incur additional charges for any additional time spent to relocate the records.

**3. Other Applicable Fees and Deposits.**

A. **Additional Costs.** Any costs not covered under the above fee schedule will be charged to the requestor based on the actual costs incurred by the City.

B. **Advance Deposits.** If the estimated fees for the requested services will be greater than ten dollars (\$10.00), the City will require an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received. Any funds collected by the City in excess of the actual fees will be refunded. No records will be turned over to the requestor unless the full cost of the records request, including any labor and/or copying charge, has been remitted to the City.

C. **Cumulative Charges.** The charges outlined in Section 1 of this Fee Schedule are cumulative, to the extent they reflect the actual cost to the City.

CITY OF NORWALK  
PUBLIC RECORDS REQUEST FORM

**1. REQUESTER'S INFORMATION:**

Name:

Mailing Address:

Fax Number:

Email Address:

Phone:

**2. REQUEST INFORMATION:**

Please be as detailed as possible; include names, dates, subjects, meeting dates, resolution and ordinance numbers, project names, etc.

3. Is this request for:

Inspection of Public Records

Copying of Public Records

4. If you are requesting copies of public records please fill out the following:

How many copies of the requesting documents do you need?

Color Copies

Black & White Copies

5. How would you like to receive the copies:

In Person

Mail

Fax (only for under 10 pages)

\_\_\_\_\_  
Signature of Requester

\_\_\_\_\_  
Date of Request

**FOR CITY STAFF USE ONLY**

**Details of Request**

- 1. Date and Time Request Received:
- 2. Deposit Received: \_\_\_\_\_ (date) in the amount of \$\_\_\_\_\_ by \_\_\_\_\_ (employee.) (Use fee worksheet to calculate deposit.)
- 3. Date and Time Request Processed:

**Notification of Records Ready**

Requester notified on (date) by: \_\_\_\_\_ Phone \_\_\_\_\_ Email \_\_\_\_\_ In Person

Records are ready for pick up as of (date) \_\_\_\_\_  
Examination of original records scheduled for (date/time) \_\_\_\_\_  
Records mailed/faxed/mailed to requester on (date) \_\_\_\_\_

**FEE WORKSHEET**

Description	Quantity	Amount	Total
<i><b>COPY CHARGES</b></i>			
Black & White – Single Sided (8.5x11, 8.5x14)	_____	\$0.10/page	_____
Color – Single Sided (8.5x11, 8.5x14)	_____	\$0.25/page	_____
Per fax	_____	\$1.00/fax	_____
<i><b>POSTAGE CHARGES</b></i>			
Actual Cost	_____	_____	_____
<i><b>LABOR CHARGES</b></i>			
<i>First 15 Minutes</i>	N/A	N/A	No Cost
Each Additional 15 Minute Interval	_____	_____	_____
Total of All Fees			_____
Less Deposit Received (if any)			_____
Balance _____ owed at pickup or _____ to be refunded			_____
Deposit reconciled/payment made on _____			