

25 City of Norwalk Open Records Policy

25.1 Purpose

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

25.2 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.

25.3 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.

25.4 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 the Iowa Code Chapter 22 and to provide that information to the public. The City’s “lawful custodian” is the City Clerk, or any such employee who is assigned such responsibilities by the City Clerk.

25.5 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.

25.6 Routine and Non-Routine Records Requests

25.6.1 Routine Requests

Route 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.

25.6.2 Non-Routine Requests

Non-routine 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.

25.7 Requestor's Options for Examining or Copying Records

25.7.1 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.

25.7.2 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.

25.8 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.

25.9 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.

25.10 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.

25.11 Exceptions

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

25.12 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

25.13 Policy Adoption

This policy is authorized by the City of Norwalk City Council via Resolution 0303-16-033 approved on March 3, 2016.

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	\$0.25/page
	Oversized copies	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		See Development Dept. Fee
Council Packets per page		\$0.25 / maximum \$5.00
Mailings 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 SS 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 requester makes other arrangements with the City, requested records will be available for the requester's review for a period of one week after notification to the requester that the originals are available. If the requester does not review or make other arrangements with the City within one week, the requester 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 requester 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 requester 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

REQUESTER'S INFORMATION:

Name: _____

Phone Number: _____

Mailing Address: _____

Email Address: _____ Fax: _____

REQUEST INFORMATION:

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

TYPE OF REQUEST:

Inspection of Public Records

Copying of Public Records

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

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

Date and Time Request Received: _____

Deposit Received: _____ (date) in the amount of \$_____ by
 _____ (employee) (Use fee worksheet to calculate deposit).

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 schedule for _____ (date/time)

Records mailed/faxed/mailed to requester on _____ (date)

FEE WORKSHEET

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Total</u>
<i>Copy Charges</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	_____

Postage Charges

Actual Cost _____

Labor Charges

First 15 Minutes N/A N/A No Cost

Each Addt'l 15 Minute Intervals _____

Total of All Fees _____

Less Deposit Received (if any) _____

Balance _____ owed at pickup, or _____ to be refunded

Deposit reconciled/payment made on _____