

City of Peosta, Iowa

IN THE NAME AND BY THE AUTHORITY OF THE CITY OF PEOSTA, IOWA

RESOLUTION #2023-74

Resolution approving and adopting the City of Peosta Open Records Policy

WHEREAS, the City Council finds the need to adopt a policy that defines the procedures and fees associated with handling open records request that are made to the City of Peosta, and

WHEREAS, the City Council further finds that the contents of the proposed Open Records Policy, a copy of same being appended hereto and by this reference incorporated within this Resolution as if same had been set forth fully verbatim herein, provide a good baseline for consideration by the City Council and those requesting open records, and that same should be approved.


NOW, THEREFORE, Be It Resolved by the City Council of the City of Peosta, Iowa, that the Open Records Policy are hereby approved in their entirety, same being subject to future review and amendment by the Council if and when deemed appropriate, the City Administrator being directed to make said policy available to the public on the City website and to provide a copy of said policy to any and all persons or entities approaching the City with an open records request. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved July 11, 2023.



Russell Pfab, Mayor

Attest:



Marcie Winkelman, City Clerk



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 Peosta.

2. **Background.** The City of Peosta (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 contains a broad definition of public records. The term includes "all records, documents, tape or other information, stored or preserved in any medium." At present, "in any medium" includes paper records, tape, computer hard drives, discs, microfiche, and other film. This definition is comprehensive and applies without respect to either the nature or purpose of a record or the City's reason for keeping it.

There are exceptions that protect certain records and documents from public disclosure. A number of these exceptions are listed in Iowa Code Chapter 22; others are provided elsewhere in the Iowa Code or by federal statute. Federal laws protect certain types of personal information from disclosure unless a law enforcement subpoena is provided, such as an individual's social security number and cable viewership history. Additionally, various categories of information routinely handled by the City are considered confidential and therefore protected from disclosure. These categories include but are not limited to:

- A. Confidential business information of the City;
- B. Personnel records;
- C. Personal identification information;
- D. City Attorney communications that are protected by state or federal law;
- E. Customer usage or consumption data;
- F. Confidential information received from other municipalities, utilities, regulatory agencies or law enforcement;
- G. Copyrighted material or trade secrets;
- H. Data processing software, except for records otherwise considered public and separable from the software; and
- I. Homeland security and emergency management plans.

As an organization subject to Iowa's Open Records law, the City may incur expenses and staff time to respond to records requests. The law requires the City to comply with records requests within

Open Records Policy

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

- A. In-person Examination of Records. Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 7:30 a.m. and 4:30 p.m., Monday through Thursday, and Friday, 8:00 a.m. to noon, except City holidays, and appointments are required. In-person examinations will be coordinated by the City Clerk. Adequate notice is required for in-person examinations as prior review and redacting of confidential or otherwise protected information may need to occur prior to a requestor's in-person review. In-person examinations will be supervised by City staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies of public records need to specifically and clearly indicate which records are requested for copying.
- B. Personal Review Not Required. Requestors are not required by law to be personally present for the examination of records and, therefore, 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. It is City policy to provide electronic copies of records. Responses provided in any other media are at City discretion and may incur additional fees.

9. Applicable Fees. The City's Open Records Policy Fee Schedule (a separate document), as updated from time to time, applies to all records requests. The City will provide 30 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. City staff should not be expected to abandon or neglect their regular public duties to comply with an open records request and thus need sufficient time to make and deliver requested copies. The anticipated response times below are approximations:

Number of Pages Requested	Anticipated Response Time
1-10	3 full business days
11-100	4 full business days
101-500	7 full business days
501-1,000	10 full business days
1,001+	20 full business days
Each additional 1,000 pages (or increment thereof)	10 full business days per additional 1,000 pages

The City strives to respond to open records requests within 20 business days, but the above response times are estimates and therefore are not firm. If the requested material potentially

Open Records Request Guidelines

1. **Information Required.** The City of Peosta (the City) prefers that requestors put their records requests in writing using the City's Open Records Request Form. Requests for information should be sufficiently specific to identify the records being sought. Requests that are illegible, vague, or lack the necessary information cannot be fulfilled. Requests should also identify the party making the request and include the requestor's contact information.
2. **In-Person Examination of Records.** Persons seeking public records within the control of the City may examine such records at City Hall between the hours of 7:30 a.m. and 4:30 p.m., Monday through Thursday and Friday, 8:00 a.m. to noon, except City holidays, and appointments are required. In-person examinations will be coordinated by the City Clerk. Adequate notice is required for in-person examination as prior review and redacting of confidential or otherwise protected information may need to occur prior to in-person examination. In-person examination 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 seeking copies need to specifically and clearly indicate which records are requested for copying.
3. **Personal Review Not Required.** Requestors are not required by law to be personally present for the examination of records and, therefore, 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.
4. **Electronic Copies Preferred.** It is City policy to provide electronic copies of records. Responses provided in any other medium are at the City's discretion and may incur additional fees.
5. **Fees.** The City's Open Records Policy Fee Schedule, as updated from time to time, applies to all open records requests. The City will provide 30 minutes of City staff time free of charge to respond to each requestor monthly. The City, in its discretion, may require a minimum deposit to cover estimated copy charges and estimated fees for supervising the examination or for compiling of records in response to a request. All fees must be paid in full before any information will be released.
6. **Reply Time.** City staff should not be expected to abandon or neglect their regular public duties to comply with an open records request and thus need sufficient time to make and deliver requested copies. The anticipated response times below are approximations:

Open Records Policy Fee Schedule

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

1. Basic Fees.

Service	Guidelines/Conditions	Fee
Copies of Paper Documents	B/W Photocopies- Standard 8 ½ x 11 size	\$0.10/page
	Color Photocopies- Standard 8 ½ x 11 size	\$0.25/page
	Oversized Copies	per estimate
Copies Transmitted by Facsimile (Fax)	Limit to 10 pages	\$1.00 / page (long distance) \$0.50 / page (local or toll-free)
Postage for Copies Mailed	Requestors are required to pre-pay for actual costs of postage. All copies will be sent certified mail, return receipt requested.	Actual cost
Photocopies from microfiche or other stored media		Same prices as for copies of paper documents

2. **Labor: Non-incidenta**l or **supervisory services.** The first 30 minutes of non-incidenta

l or supervisory services provided by City staff in the search, preparation, retrieval, or supervision of examination of open records during a given month will be free of charge ("Free Service"). The Free Service is calculated based on time spent fulfilling any request placed in the same month by the same individual. For non-incidenta

l or supervisory services performed by City staff in the search, preparation, retrieval, or supervision of examination of public records lasting longer than 30 minutes, requestors will be charged for each additional 15 minutes of services provided. The charge to the requestor will be based on the actual wages of the employees performing the services, and a requestor shall not have the right to request that particular employees perform the services. The above labor charges do not include the costs of employee benefits, depreciation,

**REQUESTOR'S INFORMATION**

1. Name: _____
2. Mailing Address: _____
3. Phone Number: _____
4. Fax Number: _____
5. Email Address: _____
6. Other: _____

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

Note: If a deposit is required, no work will begin on the request until the deposit is received.

I acknowledge the following:

The City of Peosta staff should not be expected to abandon or neglect their regular public duties to comply with copy requests and thus need sufficient time to make and deliver any requested copies. If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material. All requests will be processed in accordance with applicable procedures and rules.

Signature and printed name of requestor

Date of request

Details of Request (Office Use)

1. Form of Request: ☐ Email ☐ Fax ☐ Mail ☐ In Person / Verbal
2. Requesting: ☐ Electronic Copies ☐ Paper Copies ☐ In-Person Examination
3. Request Submitted on: _____ (include date and time)
4. Deposit Received on: _____ (date and time) in the amount of \$_____ by _____ (employee). (Use fee worksheet on back to calculate deposit.)
5. Request Processed on: _____ (include date and time)
6. Date on which City Attorney's Opinion sought, if applicable: _____

Notification of Records Ready (Office Use)

- ☐ Records electronically emailed to requestor on _____ (date and time)
- ☐ Records are ready for pick up by appointment on _____ (date and time)



Response to Open Records Request

Date: _____

Delivered by: ☐ certified mail ☐ in-person pickup ☐ fax ☐ email ☐ other: _____

To: _____
Name and Address of Requestor

Re: Open Records Request to the City of Peosta concerning _____,
dated _____.

Number of pages enclosed: _____.

Enclosed are documents in response to your information request. Please call City Hall if you have any questions concerning this matter.

Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, the City recommends that any use of information provided by the City comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

A copy of this packet should be attached to the Records Request Form and kept on file by the City.