

CITY OF MARSHALLTOWN

EXAMINATION AND COPYING OF PUBLIC RECORDS

Effective: July 1, 2022

GENERAL POLICY:

It is the policy of the City of Marshalltown to comply with all requests for records within the constraints of Iowa Code Chapter 22. The purpose of this policy is to define the procedures and the fees associated with handling open records requests made to the City of Marshalltown.

PROVISIONS:

Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its “lawful custodian” responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to the public. The City’s “lawful custodian” is the City Clerk or any employee delegated such responsibilities by the City Clerk.

Records requests are preferred in writing, but can come in any form, including the online form provided on the City’s website at this address: [www.marshalltown-ia.gov/FOIA], by e-mail: clerk@marshalltown-ia.gov, by fax: 641-754-5717, or by letter: City Clerk, 24 N Center Street, Marshalltown, Iowa, 50158. If a requestor is unable to put the request in writing, the requestor should contact the City Clerk, either via telephone at 641-754-5701 or in-person during regular business hours and the City Clerk will assist.

In order to accurately and timely process a records request, the City needs 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. Requests for documents should identify the requestor and provide a method to contact the requestor and need to be sufficiently specific in order to allow City staff to accurately identify the records being sought and timely respond to the request.

Routine Requests and Non-Routine Requests

Routine Requests. Examples of routine records requests include, but are not limited to a customer’s request for copies of his or her own billing records, requests for meeting minutes or agendas, and requests for copies of specific resolutions or ordinances. Routine records requests may be handled directly by the department involved with notice of the request.

Non-Routine Requests. City staff should provide a copy of any non-routine records requests 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. All non-routine requests will be vetted through the City Attorney.

The City Clerk shall consult the City Attorney or his designee concerning requests for records that may be considered confidential records pursuant to Iowa Code Section 22.7. All such requests are automatically considered non-routine requests.

The City shall have the final determination of what constitutes a routine and a non-routine request.

The City Clerk/Lawful Custodian will make every attempt to fill all open record requests in a timely manner, not to exceed twenty (20) days. If it becomes apparent that the custodian will be unable to fulfill the request in twenty (20) days, the custodian will contact the requestor and provide him or her with an anticipated fulfillment date. For larger requests, the City Clerk/Lawful Custodian may provide the responsive records in batches as they become available.

Requestor's Options for Examining or Copying Records

In-person Examination of Records. Persons seeking public records within the control of the City may examine such records at City Hall during normal business hours, Monday through Friday, from 8:30 am to 4:30 pm, except during City Hall closures. In-person examinations will be coordinated by the City Clerk. An appointment is required for all in-person examinations. Adequate notice is required for in-person examinations as prior review 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, including electronic records, need to specifically and clearly indicate which records are requested for copying.

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.

Form of Response to an Open Records Request

The City Clerk/Lawful Custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty (30) minutes to produce. In the event expenses are necessary, such expenses shall be reasonable and communicated to the requester upon receipt of the request. A person may contest the reasonableness of the custodian's expenses as provided for in Chapter 22.

Records requests will be provided in electronic form by email whenever possible. Should the digital media be too large to email, it may be provided on a thumb drive, CD, or DVD. Paper copies may be requested.

The following fee schedule shall apply:

- (a) Photocopies: \$0.25 per page
- (b) digital media: \$1.00 per DVD/CD or the actual cost of the thumb drive.
- (c) hourly rate for the clerical time needed for the reproduction of copies or other media: Actual cost(s) of employee time if the time involved exceeds thirty (30) minutes
- (d) hourly rate for professional staff time needed to produce or review the documents: Actual costs(s) of employee time if the time involved exceeds thirty (30) minutes.
- (e) Costs for legal services should only be utilized for the redaction or review of legally protected confidential information.

(f) Postage for copies mailed. Cost of actual postage. All requests will be mailed certified, return receipt requested.

(g) Any costs not covered by the above fee schedule shall be charged to the requestor based on the actual costs incurred by the City, including but not limited to all amounts charged to the City by third parties in connection with the fulfillment of any records request.

The charges outlined herein are cumulative to the extent they reflect the reasonable cost to the City. For example, if a one-page document takes 45 minutes to locate and the requestor wants the document copied and mailed, the charges will include charges for the 15 minutes of retrieval services, \$0.25 for the black and white photocopy, or \$0.50 for a color photocopy, and the applicable postage charge for certified mail delivery.

Advance Deposits. If the City estimates the fees for the requested services will be greater than ten dollars (\$10.00), the City may require the requestor to make 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 to the requestor in a timely manner. If any requestor has not paid a previous amount due under this policy, the City shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.

This policy does not cover departmental records which are subject to a specific departmental policy and fee schedule, such as police records and oversize or unique documents.

All open records requests that are responded to by electronic media shall be done so that the document may not be altered.