

ORDINANCE # II.3
OPEN RECORDS ACT ORDINANCE
OF TAMA COUNTY, IOWA

WHEREAS, Tama County, Iowa is a "Government body" within the meaning of Iowa Code Section 22.1(1), of the Open Records Act of Iowa Code Chapter 22; and

WHEREAS, Tama County officers and elected officials are defined to be the "lawful custodian" of public records within the possession of the various elected officials, officers and employees elected, appointed and hired to positions within the County under Iowa Code Section 22.1(2); and

WHEREAS, Tama County is obligated to identify and publicly announce the identity of those officials and employees of the County who have assigned responsibilities for complying with the requirements of Iowa Code Chapter 22, as specified in Iowa Code Section 22.1(2); and

WHEREAS, in order to promptly and expeditiously respond to a request for examination and copying of a public record, the requesting person must provide sufficient detail to locate, retrieve and provide such document or copy thereof upon request made in person, in writing, by telephone or by electronic means, pursuant to the provisions of Iowa Code Sections 22.3(1) and 22.4(2) and to provide the person requesting such records of the estimated cost of searching for, retrieving and copying, under the provisions of Iowa Code Sections 22.3 and 22.3A(2)(a)(f); and

WHEREAS, Iowa Code Section 22.7 has seventy-three (73) subsections defining such public records the lawful custodian thereof is required to keep confidential, along with other state statutes not so identified, e.g., Iowa Code Sections 321.11 and 622.10, and other Constitutional provisions defining zones of personal privacy, all requiring a focused and careful examination to avoid disclosure which may subject the County to state or federal liability; and

WHEREAS, the Iowa Supreme Court has emphasized that time is of the essence in complying with the obligations of the Open Records Act and significant monetary (costs and attorney's fees) and other penalties (contempt, removal from office) exist to rectify breaches alleged under Iowa Code Section 22.10.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ESTABLISHED:

Section 1.

- a. Pursuant to Iowa Code Section 22.1(2), the person designated on behalf of Tama County to receive all requests for examination and copying of public records shall be the Tama County Attorney.
- b. The designated person shall assure that at the time any person seeks the inspection and copying of a public record, whether in person, in writing, by telephone or by electronic means, the requesting party shall provide such specificity and detail in identifying so as to reasonably permit:
 1. Identity of the office or other location where such records might be found for inspection and copying; and
 2. To make a reasonably timely, if not immediate, estimate to the requesting party of the actual costs of retrieving and copying such records.
- c. The designated person shall obtain the name, address, telephone number and email address of the requesting person for allowing contact advising of the estimated costs or for advising of difficulties or delays in retrieval and copying. The designated person shall not ask or seek to determine to reasons for the requests made.

Section 2.

- a. The costs estimated of locating, retrieving and copying the records requested shall include the actual
 1. The actual hourly salary or wage of that person assigned to locate, produce and copy the requested record and of supervising the person making examination of the record sought, for the times actually expended;
 2. The actual cost to the County of copying such records for the requesting person on county owned copying equipment, excluding charges for depreciation, maintenance, electricity.
- b. In the case of a request of records held in County owned computer systems as defined in Iowa Code Section 22.3A

1. The person making the request is hereby prohibited from directly or indirectly accessing any county computer or computer network, pursuant to Iowa Code Section 22.3A(2)(a);

2. The assigned person, the County's information technologist, or outside computer technologists shall determine, from the specialized information provided by the requesting person necessary to access the data requested, the estimated cost of retrieving such data and reproducing it on CD-ROM, thumb drives or paper. The actual hourly salary or wage of the information technologist, the county employee or contract charge of an outside technologist in determining the estimated cost of production and copying to the requesting person shall be included in the estimate to that person.

3. The estimate of costs to the requesting person may include an actual extra charge if the requesting person seeks the requested information in a specially processed format or in a format different from that which in which the County stores that information.

c. Upon determining the number of documents requested and, in the case of request of documents maintained in a County computer system, number of pages within the scope of the computer data request, the designed person shall also obtain an estimate from the County Attorney or other specially retained legal counsel for an additional estimate of charges for examining the individual documents and pages to determine, under Section 22.7, whether such documents and pages or parts of them contain confidential information which is prohibited from dissemination as a public record, other statutes creating privileges against disclosure and other Constitutional provisions erecting privacy rights which, if disclosed, could become actionable against the County criminally or civilly. This shall also include the time and charges for reviewing case decisions relevant to the specific requests made. Such charges shall be based on the actual hourly charges of a private attorney or the actual hourly rate of any county attorney or assistant county attorney based upon that officer's salary.

The estimated charges by legal counsel for review in complying with the foregoing law, and, if possible, with deleting or redacting confidential information to allow public dissemination of the document so affected, shall become a component of the total estimate submitted to the requestor. If the estimated legal costs of review are less than estimated, the excess of paid costs greater than estimated shall be returned to the requestor. If more, such additional costs beyond those estimated shall be billed to the requestor.

d. The person requesting that public documents be located, retrieved and copied, including those from a County computer system, shall be obligated to pay to the County the costs estimated, before receiving the records requested under Iowa Code Section 22.3(1).

Section 3.

Upon payment of the estimated costs by the person making request for records, the person designated to receive requests for public records shall:

a. Make immediate contact with those offices, department heads, other employees and the information technologists identified as having possession of some or all of such records to begin, as soon as humanly possible, assembling such records as requested;

b. Upon assembly of all such records requested, immediately provide a copy of such copied records to the County attorney or other designated legal counsel to begin the expeditious and thorough review required by Iowa Code Section 22.7, other laws, cases and Constitutional provisions; and

c. Upon completion of legal counsel review disclose and disseminate to the requesting person only those documents legal counsel has determined to be public records unaffected by confidentiality, privilege or prohibition.

Section 4.

a. The designated person shall keep a diary of the date of all steps taken following the prescribed steps in this Ordinance for the purpose of offering evidence to the Court of the steps taken in compliance and the times such steps were taken from the date of

receipt of the public records request through and including the date of delivery to the requesting person.

Such diary shall note the dates and duration of any delays in processing the request and of the reasons for any delays by any person in processing the public records sought.


b. The designated person shall inform all elected officials, officers and employees of this Ordinance and that any request for public records made by a person or such other elected officials, officers and employees shall be IMMEDIATELY delivered to the designated person for processing under this Ordinance.

Section 5.

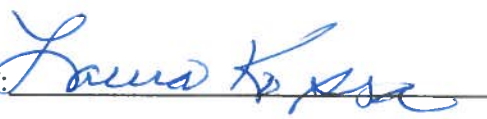
a. Following notices by publication, three readings of the Ordinance and a voted majority of all Supervisors, upon final publication this Ordinance shall be enrolled in the County's book of ordinances.

b. This Ordinance shall be posted prominently on the County's website to facilitate access to the public of its requirements in an effort to accelerate the processing of public records requests under this Ordinance.

Passed and adopted this 25th day of October, 2021.

Signed:  _____
Larry Vest, Chairman

Tama County Board of Supervisors

ATTEST:  _____
Laura Kopsa, County Auditor

OPEN RECORDS REQUEST
OF TAMA, COUNTY, IOWA

Date: _____

Requestor Name: _____ Address: _____

Phone: _____ Email: _____

Requested information (detail to locate and retrieve): _____

How would you like to receive the records requested? _____

The costs estimated of locating, retrieving, and copying the records requested:

Employee cost of locating, producing, copying and supervising the person. There may be additional costs if specialized computer technologists are required along with the County Attorney or their specially retained legal counsel.

The estimated costs will be: _____

Iowa Code Section 22.3(1). person requesting that public documents be located, retrieved, and copied, including those from a County computer system, shall be obligated to pay to the County the costs estimated, before receiving the records requested.

Please sign for request of open records and make check payable to Tama County.

Your records will be ready by: _____ .

Signature: _____ Date: _____

<input type="checkbox"/> Auditor	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Recorder	<input type="checkbox"/> Veterans Affairs
<input type="checkbox"/> Treasurer	<input type="checkbox"/> Sheriff Office
<input type="checkbox"/> Assessor	<input type="checkbox"/> County Attorney
<input type="checkbox"/> Public Health	

Affidavit of Publication

STATE OF IOWA,
Tama County, ss

I, Abigail Pelzer, being first duly sworn, on oath depose and say that I am the Publisher of the Tama-Toledo News Chronicle, a weekly newspaper of general circulation printed wholly in the English language and published at Tama, Tama County, Iowa; that

TAMA CO AUDITOR L17571

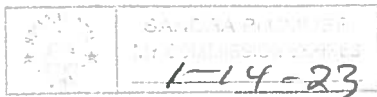
Ordinance #11.3 Open Records Act

a copy of which is hereto attached and made a part of the affidavit, was published in the English language for one consecutive week in said newspaper; that the first publication was on the 5th day of November, 2021 and the last publication was on the 5th day of November 2021, and the statutory fees for publishing said notice are: **\$146.47**

TAMA-TOLEDO NEWS CHRONICLE

Subscribed and sworn to before me this 5 day of November, 2021.

Notary Public in and for Tama County, Iowa



**ORDINANCE # 11.3
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