

O'BRIEN COUNTY CONSERVATION BOARD

PUBLIC RECORDS REQUEST POLICY

1. **Purpose:** This Public Records Request Policy defines the procedures and fees associated with handling public records requests made to the O'Brien County Conservation Board, O'Brien County, Iowa (the "OCCB"). It is the OCCB's policy to respond in an orderly and expeditious manner in accordance with Iowa Code Chapter 22 to requests to inspect or receive copies of public records maintained by the OCCB.
2. **Applicability:** This policy applies to the O'Brien County Conservation Board as that term is defined in section 22.1(1) of the Iowa Code.
3. **Background:** The OCCB recognizes the public has a right to access public records maintained by the OCCB in accordance with Iowa law. The OCCB notes certain records maintained by the OCCB are not public records or may be exempt from public disclosures. Furthermore, request to access public records may require balancing the right of the public to access the records, individual privacy rights, governmental interests, confidentiality and privilege issues. Additionally, when the OCCB responds to a request to inspect or copy records, the OCCB incurs cost. This policy is adopted to balance these competing interests, to establish an orderly and consistent procedure for responding to public records requests, and to support the adoption of a fee schedule to reimburse the OCCB for its actual costs incurred in responding to public records requests.
4. **Designated Custodian:** Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the provisions of Iowa Code Chapter 22 and to provide this information to the public. The OCCB's "lawful custodian" is the Director or any employee delegated such responsibilities.
5. **Public Records Requests:** The following procedures shall be followed in responding to requests for, or copies of, public records maintained by the OCCB.
 - a. All requests for public records maintained by the OCCB must be directed to the Director for review of the request, collection of the records, and completion of the request.
 - b. Pursuant to Iowa Code Section 22.3(1), records requests may be in writing, by telephone, or electronic means such as e-mail. To ensure accurate and timely processing of a records request, it is helpful to the lawful custodian or its authorized designee for a requestor to clearly explain the records/information sought, and if desired, to leave contact information so any questions/issues may be timely addressed. Accordingly, the requestor should provide by writing by electronic means such as e-mail, or over the phone, the information necessary to fill out the OCCB's Public Records Request Form to ensure timely and accurate processing of public records requests.

- c. A person has a right to examine, without charge, a public record while the record is in the physical custody of the designated custodian. However, Section 22.3 of the Iowa Code permits, and the OCCB will charge: (i) a reasonable fee for the services of the lawful custodian in supervising the examination and copying of records if the OCCB determines it is necessary to protect the order and integrity of the records, and (ii) its estimated actual costs up-front before fulfilling a request for a copy of a public record. In either case, the lawful custodian will provide the requestor the estimated costs to be incurred at the time the request for a copy of the record is received. Fees charged for providing a copy of a document will be in accordance with the most current fee schedule of actual costs of the service after adoption by the OCCB. In the event actual costs incurred by the OCCB are less than the amount initially charged, the OCCB will promptly refund the difference; in the event the actual costs incurred are more than initially charged, the requestor will be responsible for prompt payment of the additional costs.
 - i. With the exclusion of legal holidays, the Director may be contacted to arrange an appointment to examine or copy public records Monday through Friday from 9 a.m. to 12 p.m., and from 1 p.m. to 4 p.m. CST, or such other time as the Director may in its sole discretion agree upon. The Director may be contacted during those hours via the methods set forth in Section 9, below.
 - ii. The OCCB will make requested records available in hard copy, or if the public record is maintained electronically, the requested record will be available in such format if the format is useable with commonly available data processing or database management software. In the event the requestor desires a hard copy, or an electronic record is not available, the requestor may ask the OCCB to supply copied records by mail, for in-person pickup, or otherwise if practicable in the Director's discretion.
 - d. Unless otherwise prohibited by law, the OCCB may, in its discretion, furnish copies of requested records without charge or at a reduced fee if the OCCB determines the waiver or reduction of fees is in the public interest.
6. **Fee Schedule:** The following are the initial fees to be charged to reimburse the OCCB for its costs for copies of public records it maintains. The fees are subject to amendment from time-to-time to meet any changes in costs.

Photocopy Charges

| | Guidelines | Fee |
|---------------|-----------------------------------|-------------|
| Black & White | Single Sided – 8.5 x 11, 8.5 x 14 | \$0.30/page |
| Black & White | Single Sided – 11 x 17 | \$0.35/page |
| Black & White | Double Sided – 8.5 x 11, 8.5 x 14 | \$0.35/page |
| Black & White | Double Sided – 11 x 17 | \$0.40/page |

Postage Charges – If the requestor chooses to have records mailed to them, postage will be charged at the actual cost.

Lawful Custodian Supervision Fees – Pursuant to Section 22.3(2) of the Iowa Code, the OCCB determines it is necessary for the Director designee to supervise the examination and copying of records to preserve their order or integrity, the OCCB will provide 15 minutes of OCCB staff time free of charge. Requestors will be charged based on the Director’s current wage rate.

- 7. Disclaimer:** Although records provided to a requestor may be deemed “open” or “public” records within the meaning of Iowa Code Chapter 22, the OCCB is unable to make any representations or warranties regarding the accuracy of unofficial documents. Each requestor is individually responsible for complying with local, state, federal and other laws, regulations or ordinances with regard to use of information contained in public/open records. Likewise, the OCCB cannot guarantee any given requestor’s use of any information provided by the OCCB will comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander or tort. The OCCB, its agents, employees, officers, contractors, and affiliates will have no legal or monetary liability whatsoever, based on any given requestor’s use of information contained in public records provided by the OCCB.
- 8. Inquiries:** Any requests to set up an appointment, make a records request, or for general questions concerning the OCCB Public Records Request Policy or related procedures or fees should be directed to the lawful custodian via a point of contact below:

Obrien County Conservation Board – Director
4931 Yellow Avenue
Peterson, IA 51047

E-mail: bschimmer@obriencounty.iowa.gov
Phone number: (712) 295-7200
Cell phone number: (712) 334-0673

O'BRIEN COUNTY CONSERVATION BOARD
PUBLIC RECORDS REQUEST FORM

1. Requestor's Information:

Name: _____
Mailing Address: _____
Phone Number: _____
E-Mail Address: _____

2. Request Information:

Please be as specific as possible, include names, dates, subject, meeting dates, resolution and ordinance numbers, etc.

3. Is this a request for: Copying of Public Records Inspection of Public Records
4. If you are requesting copies of public records, how many copies do you need?
Black & White Copies: Single Sided Double Sided
5. How would you like to receive the copies?
 In Person Mail Electronically (if available)

The OCCB denies any and all responsibility for how this information is used by me. I understand that my use of this information must comply with all local, state and federal laws, and that such compliance is solely my responsibility.

Signature of Requestor

Date of Request

FOR OFFICE USE ONLY

1. Date and Time Request Received: _____
2. Deposit Received: _____ (date) in the amount of \$ _____
3. Date and Time Request Processed: _____

NOTIFICATION OF WHEN RECORDS ARE READY

Requestor notified on _____ (date) by: _____ Phone _____ E-Mail _____

_____ Records are ready for pick up on _____

_____ Examination of original records scheduled for _____

_____ Records mailed/e-mailed to requestor on _____

Fee Worksheet

| | Guidelines | Quantity | Fee | Total |
|------------------------------------|-----------------------------------|--------------|------------------------------|-------|
| Black & White | Single Sided – 8.5 x 11, 8.5 x 14 | | \$0.30/page | |
| Black & White | Single Sided – 11 x 17 | | \$0.35/page | |
| Black & White | Double Sided – 8.5 x 11, 8.5 x 14 | | \$0.35/page | |
| Black & White | Double Sided – 11 x 17 | | \$0.40/page | |
| POSTAGE CHARGE | | | Actual Cost | |
| LABOR CHARGE | | | | |
| First 15 Minutes | | | Free | |
| Each Additional 15 minute interval | | | Director's Current Wage Rate | |
| | | | Total of All Fees | |
| | | Less Deposit | Received | |
| | Balance Due _____ at Pick Up | Or | Refunded | |

Notes: