



MEETING DATE: September 7, 2010

COUNCIL LETTER

REQUESTED BY: Gregory S. Jager

VISION:

THE CITY OF BETTENDORF IS A PREMIER PLACE IN WHICH TO LIVE. THE CITY OF BETTENDORF IS THE MOST LIVABLE COMMUNITY FOR FAMILIES WITH RICH EDUCATIONAL, CULTURAL, AND RECREATIONAL OPPORTUNITIES WHERE WE ENJOY A VIBRANT RIVERFRONT AND A GROWING COMPETITIVE BUSINESS ENVIRONMENT. WE TAKE PRIDE IN OUR GREAT COMMUNITY.

ITEM TITLE: (Please use same title as it will appear on your resolution.)

Resolution establishing rate for document retrieval in response to open record requests

Explanation (Background & How it Responds to Vision, Mission or Goals)

Our existing policy on open record requests dates to the 1980's. With the advent of electronic communication, the retrieval costs to obtain documents and to separate relevant documents from non-relevant documents may far exceed the cost of photocopying the requested material.

A revised policy on fees for record retrieval is provided. This is intended to apply to all record retrieval requests under open records.

Examples of record requests:

- Please provide copies of all records, including emails or other electronic communications...
- Please provide all data regarding any accident within the city...
- Please provide copies of all communications by or among the elected officials

If the matter is not budgeted in the current year, explain why funding is requested and the anticipation:

List Attachments:

Resolution

Resolution _____-10
A Resolution to establish a fee for the retrieval of documents
Pursuant open record requests

WHEREAS, the Public is allowed access to various records as provided in Iowa law, and

WHEREAS, the majority of documents are now kept electronically, rather than in a file or place of ready reference, and

WHEREAS, record requests now routinely include requests for emails or other electronic communication about a subject, and

WHEREAS, the cost of retrieval of the information, and sorting of relevant from non-relevant information may cost considerable public funds,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETTENDORF, IOWA:

1. That it is the policy of the Council that public records, not subject to exception from public viewing, should be made available upon request. The reason for the request is not relevant and is not to be used as a basis to assist or deny assistance in response to a request to examine records.

2. That upon a request for a record or records, the following protocol shall be used:

a. The custodian of the record shall make a good faith estimate of the time and cost to retrieve and assemble the records requested. The information technology division shall assist the custodian in locating available records, as needed. If the estimated cost of retrieval and assembly of the documents costs \$50 (fifty dollars) or more, the custodian shall thereafter notify the requester when the records will be available and receive assurance the cost of record retrieval and assembly will be paid. Cost shall be determined as described below and shall include the cost of assembly/retrieval of the record, the cost of review for relevance/confidentiality, and reproduction cost.

b. The cost of the record retrieval and assembly shall be paid by the requester concurrent with the requester viewing of the records. Beyond retrieval and assembly cost, there shall be no cost to simply view a public record.

c. Photocopy costs of assembled documents shall be 20 cents per black and white page; copies of photographs or color copies shall be charged at \$1 (one dollar) each. Documents or data that is provided via disc shall be charged \$10 for each disc copied. If the requester provides the disc or other record media (flash drive, etc.) the charge shall be reduced to \$5.

3. The fee for document retrieval and assembly shall be calculated as follows (only time actually spent on the request shall be billed as part of the fee charged):

a. The wage of the custodian, and any support people used in document location, identification, and recovery shall be tracked and billed in quarter hour increments, with time rounded down to the nearest quarter hour.

b. The wage of any person reviewing the documents for relevance shall also be tracked and billed in quarter hour increments

c. If the City Attorney is required to review the documents to determine whether they are subject to exception, that salary shall be billed as well.

d. The first fifteen minutes of document retrieval services shall not be billed.

e. The time the custodian of the record sits with the requester while the documents are viewed shall likewise be billed, and shall not be subject to the 50% reduction detailed in item #4 below.

4. The resulting cost of assembly and retrieval shall be reduced by 50% to reflect the preference for open records.

5. This policy shall not be deemed to require the creation of a document which does not exist, or to assemble data into a specific format. When documents are provided, they shall be provided in a format capable of being read (either Microsoft Office product, PDF, or hardcopy) by someone with a working knowledge of English. Upon specific request, any reasonable ADA accommodation will be made.

6. To certify any document as a true and accurate copy of the original on file with the custodian, the fee shall be \$5.00 (five dollars) per page certified.

7. Notarization of any document shall be \$1.00 (one dollar) per page.

Passed, Approved and Adopted this _____ day of _____, 2010.

Mayor

Attest:

City Clerk