



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS
(DECEMBER 19) (WEEK 51 OF 2023)

Live streaming at:
<https://www.youtube.com/user/woodburycountyiowa>

Agenda and Minutes available at:
www.woodburycountyiowa.gov

Daniel A. Bittinger II
389-4405
dbittinger@woodburycountyiowa.gov

Mark Nelson
540-1259
mnelson@woodburycountyiowa.gov

Keith W. Radig
560-6542
kradig@woodburycountyiowa.gov

Jeremy Taylor
259-7910
jtaylor@woodburycountyiowa.gov

Matthew A. Ung
490-7852
matthewung@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held December 19, 2023, at **4:30 p.m.** in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. Members of the public wishing to speak on an item must follow the participation rules adopted by the Board of Supervisors.

1. Please silence cell phones and other devices while in the Boardroom.
2. The Chair may recognize speakers on agenda items after initial discussion by the Board.
3. Speakers will approach the microphone one at a time and give their name and address before their statement.
4. Speakers will limit their remarks to three minutes on any one item and address their remarks to the Board.
5. At the beginning of discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action. The Chair may also request delegates provide statements on behalf of multiple speakers.
6. Any concerns or questions which do not relate to a scheduled item on the agenda will be heard under the item "Citizen Concerns." Please note the Board is legally prohibited from taking action on or engaging in deliberation on concerns not listed on the agenda, and in such cases the Chair will request further discussion take place after properly noticed.
7. Public comment by electronic or telephonic means is prohibited except for a particular agenda item when approved by the Chair 24 hours before a meeting or by a majority of the board during a meeting for a subsequent meeting.

AGENDA

- 3:15 p.m.** Joint Closed Session with LEC Authority {Iowa Code Section 21.5 (1)(c)} – **First Floor Boardroom**
- 4:30 p.m.** Call Meeting to Order – Pledge of Allegiance to the Flag – Moment of Silence
1. Approval of the agenda Action

Consent Agenda

Items 2 through 6 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

2. Approval of the minutes of the December 12, 2023 meeting
3. Approval of claims
4. County Treasurer – Tina Bertrand
 - a. Approve property tax refund request for parcel #894735164006 in the amount of \$1330.00
 - b. Approval of lifting tax suspension for B.M.
 - c. Approval of lifting tax suspension for P.B.

5. Human Resources – Melissa Thomas
 - a. Approval of Memorandum of Personnel Transactions
 - b. Authorization to Initiate Hiring Process

6. County Auditor – Patrick Gill

Approval of application for a 12-month Class C Retail Alcohol License, with outdoor service sales privileges for Lofted View Events, effective 12/5/23 through 12/04/24

End Consent Agenda

7. Deputy County Recorder – Diane Swoboda Peterson

Approval to purchase and install new carpet throughout the Recorder’s Office Action

8. Board Administration – Heather Van Sickle

Discussion of county responsibilities, planning, and funding due to the resignations of the Woodbury County Medical Examiner, and Pathology Medical Services of Siouxland effective March 31, 2024 Information

9. Board Administration – Dennis Butler

Approval of funding of the Merville Frontage Road Project using FY 24 CIP Funding instead of TIF Funding Action

10. Board of Supervisors – Matthew Ung & Mark Nelson
 - a. Approval to advertise for and hire a County Engineer position, and advertise for and hire an Assistant County Engineer position Action
 - b. Approve the deauthorization of an Assistant to the County Engineer position effective December 31, 2023 Action

11. Board of Supervisors – Matthew Ung

Open discussion of best practices regarding open records requests and how the county may improve its communication or implementation of Chapter 22 to serve the interests of both the public requesters and the public taxpayer Information

12. Board of Supervisors – Jeremy Taylor

Approval to delay the public hearing for the Salix Drainage District from February 20, 2024 to March 19, 2024 Action

13. Reports on Committee Meetings Information

14. Citizen Concerns Information

15. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

**The next meeting of the Woodbury County Board will be January 2,
2024**

CALENDAR OF EVENTS

- WED., DEC. 20 12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- THU., DEC. 21 1:30 p.m.** SIMPCO Community & Economic Development, Hybrid
- 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- WED., DEC. 27 2:30 p.m.** Rolling Hills Community Services Region Governance Board Meeting
- THU., DEC. 28 11:00 a.m.** Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce
- WED., JAN. 3 4:45 p.m.** Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
- WED., JAN. 10 8:05 a.m.** Woodbury County Information Communication Commission, First Floor Boardroom
- 12:00 p.m.** District Board of Health Meeting, 1014 Nebraska St.
- 6:30 p.m.** 911 Service Board Meeting, Public Safety Center, Climbing Hill
- THU., JAN. 11 12:00 p.m.** SIMPCO Board of Directors, 1122 Pierce St.
- 4:00 p.m.** Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
- WED., JAN. 17 12:00 p.m.** Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
- THU., JAN. 18 4:30 p.m.** Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
- FRI., JAN. 19 12:00 p.m.** Siouxland Human Investment Partnership Board Meeting, 2540 Glenn Ave.

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

DECEMBER 12, 2023, FIFTIETH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, December 12, 2023, at 4:30 p.m. Board members present were Nelson, Ung, Bittinger II, Radig, and Taylor. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Finance and Budget Director, Joshua Widman, Assistant County Attorney, and Patrick Gill, Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

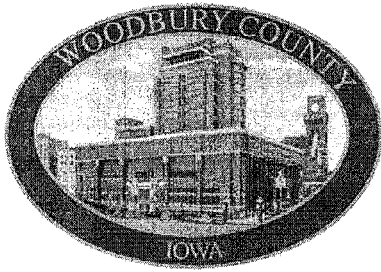
1. Motion by Ung second by Taylor to approve the agenda for December 12, 2023. Carried 5-0. Copy filed.
Motion by Radig second by Ung to approve the following items by consent:
 2. To approve minutes of the December 5, 2023 meeting. Copy filed.
 3. To approve the claims totaling \$1,336,846.47. Copy filed.
 - 4a. To approve the transfer of Jeremy Taylor, Board Member, Board of Supervisors Dept., effective 12-05-23, \$40,744.78/year, 0%. Transfer from Board Vice Chair to Board Member.; the transfer of Mark Nelson, Board Vice Chair, Board of Supervisors Dept., effective 12-05-23, \$40,744.78/year, 0%. Transfer from Board Member to Board Vice Chair.; the reclassification of Stacy Ritchie, Senior Clerk, Human Resources Dept., effective 12-11-23, \$25.88/hour, 10%=\$2.45/hr. Per Wage Plan comparability with AFSCME Courthouse Contract, from Grade 4/Step 4 to Grade 4/Step 5.; the reclassification of Kyle Gates, Assistant to County Engineer, Secondary Roads Dept., effective 12-25-23, \$3,938.05/bi-weekly, 5.75%=\$214.13/bi-weekly. Per Wage Plan Matrix, 6 month Salary Increase.; the reclassification of Dean Lauters, P/T Courthouse Safety & Security Officer, County Sheriff Dept., effective 12-25-23, \$21.65/hour, 5.5%=\$1.13/hour. Per Wage Plan comparability with AFSCME Courthouse Contract, from Grade 3/Step 3 to Grade 3/Step 4.; the reclassification of Sheila Henningfeld, Clerk III, County Sheriff Dept., effective 12-25-23, \$25.57/hour, 5%=\$1.24/hr. Per AFSCME Courthouse Contract agreement, from Grade 5/Step 3 to Grade 5/Step4.; and the reclassification of Randy Uhl, Civilian Lieutenant, County Sheriff Dept., effective 12-25-23, \$3,595.45/bi-weekly, 3.25%=\$113.18/bi-weekly. Per Wage Plan Matrix, 3 year Salary Increase. Copy filed.
 - 4b. To approve and authorize the Chairperson to sign the Authorization to initiate the hiring process for Clerk II, County Treasurer Dept. AFSCME Courthouse: \$18.68/hour. Copy filed.
 - 5a. To authorize the Chairperson to sign proposal from Whitfield & Eddy, PLC for legal services regarding the Woodbury County Law Enforcement Center project. Copy filed.
 - 5b. To authorize the Chairperson to sign the collective bargaining agreement with AFSCME Council 61. Iowa Local 3462 Woodbury County Courthouse for 2024-2027. Copy filed.
 - 5c. To authorize the Chairperson to sign the collective bargaining agreement with AFSCME Council 61, Iowa Local 3462 Woodbury County Juvenile Detention for 2024-2027. Copy filed.
 - 5d. To authorize the Chairperson to sign the collective bargaining agreement with AFSCME Council 61, Iowa Local 3462 Woodbury County Assistant County Attorneys for 2024-2027. Copy filed.
- Carried 5-0.
6. Motion by Radig second by Taylor to authorize \$399,150.00 from TIF for the Merville frontage road and direct staff accordingly to research the funding source. Carried 5-0. Copy filed.
 - 7a. Motion by Ung second by Nelson to approve the quote for bridge F-115 repair on Carrol Ave, north of 210th St. from Dixon Construction for \$70,000. Carried 5-0. Copy filed.
 - 7b. Motion by Taylor second by Nelson to approve the contract for gravel production at the Little Sioux Gravel Pit with Bedrock for \$1,980,000.00. Carried 5-0. Copy filed.

- 7c. Motion by Taylor second by Nelson to approve the contract for gravel production at the Little Sioux Gravel Pit with Bedrock for \$600,000.00. Carried 5-0. Copy filed.
8. Matthew Ung, Board Chair, corrected the record on misapplication of parliamentary procedure and false accusations made by a citizen against the Chair during the "Approval of the Agenda" item on the December 5 meeting. Copy filed.
9. Mark Nelson and Keith Radig, Board of Supervisors, update the Board on the Law Enforcement Center project. Copy filed.

Motion by Taylor second by Ung to receive a law enforcement update from The Baker Group. Carried 5-0. Copy filed.
10. Reports on committee meetings were heard.
11. Kevin Nelson, Mayor of Salix, addressed the Board with concerns about a proposed drainage district in the City of Salix.
12. Board concerns were heard.

The Board adjourned the regular meeting until December 19, 2023.

Meeting sign in sheet. Copy filed.



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

December 13, 2023

RE: 8947 35 164 006 (705 S Paxton)

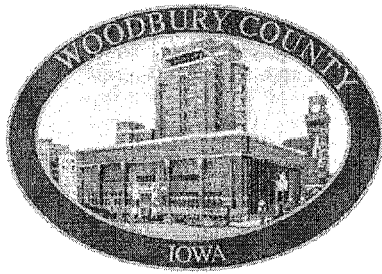
Dear Board of Supervisors,

Claire Bowman has requested her payment of \$1330.00 from September be refunded back to her. There were double payments made on this parcel in September, one by her and one by her escrow. Claire is requesting that her payment be refunded back to her. Please approve this refund to be issued.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L. Trimpe
Woodbury County Tax Deputy
jtrimpe@woodburycountyiowa.gov



Tina M Bertrand
Treasurer of Woodbury County
Property Tax
822 Douglas Street Suite 102
Sioux City, IA 51101
712-279-6495

December 8, 2023

RE: Removal of suspended taxes

Dear Board of Supervisors,

The following should be removed from suspended taxes:

Bobbi Jo Mendoza-8942 34 478 015 (726 Fir St-Correctionville). Bobbi Jo is deceased.

Penny Birkley—8947 17 356 011 (1511 W Lunah Ave Sioux City). Property has changed ownership.

Please remove the suspension on both of these properties.

Thank you for your time,

A handwritten signature in cursive script that reads "Janet L. Trimpe".

Janet L. Trimpe
Woodbury County Tax Deputy
jtrimpe@woodburycountyiowa.gov

HUMAN RESOURCES DEPARTMENT

MEMORANDUM OF PERSONNEL TRANSACTIONS

DATE: December 19, 2023

*** PERSONNEL ACTION CODE:**

A - Appointment	R - Reclassification
T - Transfer	E - End of Probation
P - Promotion	S - Separation
D - Demotion	O - Other

TO: WOODBURY COUNTY BOARD OF SUPERVISORS

NAME	DEPARTMENT	EFFECTIVE DATE	JOB TITLE	SALARY REQUESTED	% INCREASE	*	REMARKS
Allen, Charity	Juvenile Detention	11-29-23	Temporary Youth Worker			S	Resignation.
Zinn, Latessa	Juvenile Detention	12-20-23	P/T Youth Worker	\$21.41/hour		A	Job Vacancy Posted 10-16-23. Entry Level Salary: \$21.41/hour.
Anderson, Tyler	County Sheriff	12-23-23	Civilian Jailer			S	Resignation.
Moore, Andrew	County Sheriff	1-02-24	Deputy Sheriff	\$28.14/hour		A	Appointment by County Sheriff.
Palmer, Tyler	County Sheriff	1-02-24	Deputy Sheriff	\$28.14/hour		A	Appointment by County Sheriff.
Klemke, Ian	Building Services	1-08-24	Maintenance Technician	\$26.38/hour	10%=\$2.45/hr	R	Per AFSCME Courthouse Contract agreement, from Grade 4/Step 4 to Grade 4/Step 5.
Ortiz, Erick	County Sheriff	1-08-24	Civilian Jailer	\$23.97/hour		A	Job Vacancy Posted 10-18-23. Entry Level Salary: \$23.97/hour.
Griffith, Scott	County Treasurer	1-08-24	Clerk II	\$19.55/hour	4.6%=\$.87/hr	R	Per AFSCME Courthouse Contract agreement, from Grade 3/Step 1 to Grade 3/Step 2.

APPROVED BY BOARD DATE: _____

Melissa Thomas

MELISSA THOMAS, HR DIRECTOR: _____

HUMAN RESOURCES DEPARTMENT

WOODBURY COUNTY, IOWA

DATE: December 19, 2023

AUTHORIZATION TO INITIATE HIRING PROCESS

DEPARTMENT	POSITION	ENTRY LEVEL	APPROVED	DISAPPROVED
County Sheriff	(5) Civilian Jailers (4 New Positions)	CWA: \$23.97/hour		
Juvenile Detention	Temporary Youth Worker	Wage Plan: \$21.41/hour		

Chairman, Board of Supervisors



Woodbury County Sheriff's Office

LAW ENFORCEMENT CENTER
P. O. BOX 3715 SIOUX CITY, IOWA 51102

Chad Sheehan, SHERIFF

PHONE: 712.279.6010
E-MAIL: cshsheehan@woodburycountyiowa.gov
FAX: 712.279.6522

December 11th, 2023

To the Woodbury County Board of Supervisors & Human Resources Department,

The Woodbury County Sheriff's Office respectfully requests discussion and action on the authorization to begin the hiring process for one (1) Correctional Officer positions, effective December 20th, 2023. We request this be placed on the agenda for Tuesday December 19th, 2023, Woodbury County Board of Supervisors meeting. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Sheehan", with a long horizontal flourish extending to the right.

Chad Sheehan, Sheriff

cc: file

Lisa Anderson

From: Todd Harlow
Sent: Friday, December 8, 2023 11:43 AM
To: Stacy Ritchie; Lisa Anderson
Cc: Mary Feiler; Randy Uhl; Lee Blanchard; Melissa Thomas
Subject: 4 New positions
Attachments: Authorization to Hire.doc

Good morning,

Please place this on the BOS agenda for action on December 19th.

Thank you.

"Success is not final; failure is not fatal: It is the courage to continue that counts." -*Winston S. Churchill*

Capt. Jodd Harlow

Jail Administrator
NJLCA #30
Woodbury County Sheriff's Office
407 7th St
Sioux City, Iowa 51101
Pbx: 712 279-6040 ext 5041
Fax: 712 279-6047

Melissa Thomas

From: Ryan Weber
Sent: Thursday, November 30, 2023 10:09 AM
To: Jesse Lieber; Melissa Thomas
Cc: Marie Thomas
Subject: RE: Resignation

I am requesting to keep the Temporary position and requesting to hire a male or female to replace CA.

Thank you

From: Jesse Lieber <jlieber@woodburycountyiowa.gov>
Sent: Wednesday, November 29, 2023 7:43 PM
To: Melissa Thomas <melissathomas@woodburycountyiowa.gov>
Cc: Ryan Weber <rweber@woodburycountyiowa.gov>; Marie Thomas <mthomas@woodburycountyiowa.gov>
Subject: FW: Resignation

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/11/23 Weekly Agenda Date: 12/19/23

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: County Auditor - Pat Gill

WORDING FOR AGENDA ITEM:

Consideration and approval for liquor license for Lofted View Events, Bronson, Iowa

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

n/a

BACKGROUND:

n/a

FINANCIAL IMPACT:

Unknown at this time

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve Motion

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve an application for a 12-month Class C Retail Alcohol License, with Outdoor Service Sales privileges for Lofted View Events, effective 12/5/2023 through 12/04/24.


**Office Of The
AUDITOR/RECORDER
Of Woodbury County**

PATRICK F. GILL
Auditor/Recorder



Court House – Rooms 103
620 Douglas
Sioux City, Iowa 51101

Phone (712) 279-6702
Fax (712) 279-6629

To: Board of Supervisors 
From: Patrick F. Gill, Auditor & Recorder
Date: December 11, 2023
Subject: Liquor License Application for the Lofted View Events, Bronson, Iowa.

Please approve and receive for signature, an applicaton for a 12-month, Class C Retail Alcohol License, with Outdoor Service for the Lofted View Events, Bronson, Iowa. The license would be effective 12/05/23 through 12/4/24.



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS		
Lofted View Events, L.L.C	Lofted View Events	(712) 948-3250		
ADDRESS OF PREMISES	PREMISES SUITE/APT NUMBER	CITY	COUNTY	ZIP
2086 210th St.		Bronson	Woodbury	51007
MAILING ADDRESS	CITY	STATE	ZIP	
524 Monterey Trail	Dakota Dunes	South Dakota	57049	

Contact Person

NAME	PHONE	EMAIL
Heather Hennings	(712) 870-1740	loftedviewevents@gmail.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
LC0044968	Class C Retail Alcohol License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
Dec 5, 2023	Dec 4, 2024	

SUB-PERMITS

Class C Retail Alcohol License



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Outdoor Service

Status of Business

BUSINESS TYPE

Limited Liability Company

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Heather Hennings	Lawton	Iowa	51030	Owner	100.00	Yes
Eric Hennings	Lawton	Iowa	51030	Owner	0.00	Yes

Insurance Company Information

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

Founders Insurance Company

Dec 5, 2023

Dec 5, 2024

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/7/2023 Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Diane Swoboda Peterson

WORDING FOR AGENDA ITEM:

Need a motion to approve CIP request for new carpet in Recorder's Office

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input type="checkbox"/> |

EXECUTIVE SUMMARY:

Submitted a 2023-2024 CIP request for new carpet throughout the Recorder's Office.

BACKGROUND:

The Recorder's Office consistently has the largest amount of "foot traffic" in the courthouse. This is due to the Recorder's Office housing five separate areas of service--recording, vital records, real estate, GIS, and drainage ditches.

FINANCIAL IMPACT:

Estimate \$20,000.00

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Recommend approval of motion to purchase and install new carpet throughout the Recorder's Office.

ACTION REQUIRED / PROPOSED MOTION:

Move to approve the motion to purchase and install new carpet throughout the Recorder's Office.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/14/2023 Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Heather Van Sickle - Executive Secretary

WORDING FOR AGENDA ITEM:

Discussion on the future of the Woodbury County Medical Examiner

ACTION REQUIRED:

- Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

On December 14th the county received a letter of resignation from the Woodbury County Medical Examiner, including the Deputy Medical Examiners from Pathology Medical Services of Siouxland (PMS).

BACKGROUND:

For many decades, PMS has contracted with Woodbury County to provide medical examiner services which included death investigations, morgue use, toxicology reports, communications with law enforcement as well as EMS.

FINANCIAL IMPACT:

Unknown at this time.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Discussion on exploring options for future medical examiner services for Woodbury County.

ACTION REQUIRED / PROPOSED MOTION:

Discussion on exploring options for future medical examiner services for Woodbury County.



Pathology Medical Services of Siouxland, P.C.
2720 Stone Park Blvd., Sioux City, Iowa 51104-3734
Phone: (712) 279-3226 Fax (712) 279-7034

J T. Quesenberry, MD, FCAP, Lab Director
J A. Breiner, MD, FCAP
B W. Noll, MD, FCAP
B W. Steussy, MD FCAP

December 14, 2023

Mr. Matthew Ung
Chair, Woodbury County Board of Supervisors

Dear Mr. Ung,

Please accept this letter of resignation for myself as Woodbury County Medical Examiner, and the other pathologists of Pathology Medical Services of Siouxland (PMS), as Deputy Medical Examiners.

The increasing complexity and time commitment required to perform death investigative services for the county is no longer sustainable for our medical practice. Recently, one of the pathologists within our group relocated to Des Moines, leaving three pathologists to run a full-time anatomic and clinical pathology practice at UnityPoint Health – St. Luke’s in addition to providing pathology services for six critical access hospitals and two outpatient surgical centers in the region. We are no longer able to provide services as the Woodbury County Medical Examiners under the current circumstances.

PMS has provided medical examiner services to the county for 40 years and St. Luke’s hospital has supported us by providing significant infrastructural services such as: 24/7 paging services; security guards to maintain chain of custody in the morgue; secretarial assistance in our office to prepare and distribute reports and respond to requests for medical examiner reports and toxicology results from law enforcement, families and lawyers; nursing and chaplain services on occasions when assistance is needed to help families that come to the hospital requesting to view their loved one; and provision and maintenance of the morgue and autopsy suite.

I believe Woodbury County needs to adopt a different model of death investigation and pattern itself after some of the other larger counties by using medical examiner investigators and an office “coordinator.” Two individuals from Sioux City have already gone through medical examiner investigator training, but several more are needed. The Iowa Office of the State Medical Examiner will be a good point of contact in helping the county develop and implement a better model of death investigation and reporting.

Thank you for giving Pathology Medical Services of Siouxland the opportunity to assist the citizens of Woodbury County for the past 40 years. Our last day for providing coverage will be March 31, 2024. My direct phone number is 279-3167 if you would like to discuss this.

Sincerely,

A handwritten signature in blue ink that reads 'Julie A. Breiner'.

Julie Breiner, MD

AGREEMENT - WOODBURY COUNTY MEDICAL EXAMINER

THIS AGREEMENT, entered into this 28th day of April, 2022, by and between Woodbury County, Iowa (hereinafter "County"), a municipal corporation organized and existing under the laws of the State of Iowa and Julie A. Breiner, M.D. (hereinafter "Examiner"), a doctor of medicine and surgery, licensed under the laws of the State of Iowa, whose office is located at 2720 Stone Park Boulevard, Sioux City, Iowa.

WHEREAS, the County seeks the services of a Medical Examiner as set forth in Iowa Code §§ 331.801-331.805.

WHEREAS, Examiner seeks to provide the County with medical, pathological and other services described in Iowa Code §§ 331.802-331.805 and such other services as may be reasonably requested by the County.

WHEREAS, the County and Examiner (hereinafter "Parties") seek to set forth in this Agreement the entire understanding between the Parties as to the terms under which the Examiner will provide these services to the County and the terms and conditions upon which the County will pay Examiner for such services.

NOW THEREFORE, IN CONSIDERATION of the mutual undertakings and agreements hereinafter set forth, the Parties agree as follows:

I. Term

This Agreement shall be a two (2) year term commencing April 19, 2022 and continuing through December 31, 2023.

II. Services Provided

A). Examiner shall provide the County with the services set forth under Iowa Code §§ 331.801-331.805. The Examiner shall provide these services in person or may appoint such deputy medical examiners as she may believe expedient to assist her in the performance of such services; provided, that any such deputy meets the licensure requirements set forth in this Agreement.

B). Examiner shall cooperate with and assist all law enforcement officials, including the Woodbury County Attorney's Office and the Iowa Department of Criminal Investigations, in the investigation of criminal matters disclosed through the work of the Examiner or an appointed deputy. Cooperation shall include testifying in court or by deposition when requested by law enforcement officials.

C). Examiner shall provide the County with such other services as may be reasonably be requested by the County that are rationally related to the duties imposed upon a County Medical Examiner under Iowa Code §§ 331.801-331.805.

III. Payment for Service

A). The Examiner shall submit claims chargeable to the County under Iowa Code §331.802 within a reasonable time not to exceed three months. Each claim shall include sufficient documentation to demonstrate County responsibility under Iowa Code §331.802. The County shall pay the Examiner for those invoices submitted and meeting the criteria for payment set forth in Iowa Code § 331.802 or agreed upon between the parties within 60 days.

IV. Licensure Level

The Examiner, and any appointed deputy examiner, shall be licensed in the State of Iowa as a doctor of medicine and surgery, a doctor of osteopathic medicine and surgery, or an osteopathic physician.

V. Default

A). In the event that the Examiner shall fail to comply with any term, condition or covenant of this Agreement, the County shall give the Examiner notice of said default, which notice shall specify in detail the nature of such claimed default, and Examiner shall have thirty (30) days after receipt of said notice, within which to rectify said default.

B). Should said notice be uncomplied with, within said period of thirty (30) days, the County may terminate this Agreement forthwith.

C). If Examiner is unable to serve in a particular case or for a particular period of time, Examiner shall notify the chairman of the County Board of Supervisors within ten (10) days of ascertaining his unavailability. In such case, the County Board of Supervisors shall designate another qualified physician to serve temporarily.

D). The Examiner covenants and agrees that if the Examiner shall at any time fail to perform any act, covenant, term or condition on the Examiner's part to be performed under this Agreement, the County may contract with any other acceptable party for performance of such services until the default is cured.

VI. Termination

The County and the Examiner shall have the option to terminate this Agreement at any time upon thirty (30) days notice to the other party. The Agreement may also be

amended or terminated by the County at any time without notice to the Examiner due to lack of funds, changes to authorization, or legislative changes. No legal action shall exist against the County by the Examiner in the event of any one of the foregoing contingencies. The Examiner acknowledges in entering into this Agreement, that the County maintains the ability to terminate or amend this Agreement under the terms specified above and that no legal action shall lie based upon these grounds.

VII. Invalidity of Particular Provisions

If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of the Agreement shall be valid and be enforceable to the fullest extent permitted by law.

VIII. Assignment

This Agreement shall be binding on the parties hereto and neither party shall assign or transfer his interest in this Agreement without the written consent of the other party hereto.

IX. Limited Waiver

The failure of the County to insist on strict performance of any of the terms and conditions hereto shall be deemed a waiver of the rights and remedies that the County may have regarding that specific instance only and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

X. Notice

All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered mail, postage prepaid and return receipt requested to the party to be notified at the address that it maintains as its principal mailing address or such other address as either party from time to time may designate to the other party in writing. Each notice shall be deemed to have been given at the time it is deposited in the United States Mail in the manner proscribed herein. Nothing herein shall be construed to preclude personal service of any notice in the manner proscribed to personal service of a summons or other legal process.

XI. Instrument as Entire Agreement

This instrument contains the entire agreement between the Parties, and no statement, promise, or inducements made by either party that are not contained in this written contract shall be valid or binding. This contract may not be enlarged, modified, or altered except in writing signed by the parties and endorsed on this agreement.

IN WITNESS WHEREOF, the Parties hereto have set their hands for the purposes herein expressed to this instrument, as of the 28th day of April, 2022.



Chairman
Woodbury County Board of Supervisors



Julie A. Breiner, M.D.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/13/2023 Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Dennis Butler - Finance/Budget Director

WORDING FOR AGENDA ITEM:

Approval of funding for the Movable Frontage Road Project

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

This proposed motion would allow the use of FY24 CIP Funding instead of TIF Funding. This is due to the requirements and time line to receive the funds.

BACKGROUND:

The Board of Supervisors approved funding for the project from TIF on December 12, 2023. After the project was reviewed by our attorney, the funding option should be CIP. If the county used TIF we would be required to cover the 1st year of payments totaling \$98,000, as the use of TIF Funds wouldn't be available until FY25-26.

FINANCIAL IMPACT:

Funding the project from CIP will result in a levy increase of 1.6 cents.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve motion.

ACTION REQUIRED / PROPOSED MOTION:

Motion by _____, second by _____ to approve the funding of the Movable Frontage Road Project using FY24 CIP Funding instead of TIF Funding.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: _____ Weekly Agenda Date: _____

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: _____

WORDING FOR AGENDA ITEM:

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

BACKGROUND:

FINANCIAL IMPACT:

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

ACTION REQUIRED / PROPOSED MOTION:

Office of the Woodbury County Engineer

759 E. Frontage Road
Merville, IA 51039

To: Board of Supervisors; Human Resources Department
From: Mark J. Nahra, Woodbury County Engineer
Date: December 13, 2023
Subject: Engineering vacancy in Secondary Road Department

With the retirement of Ben Kusler, a critical vacancy exists within the County Engineer's office. I spoke with Mark Nelson, this department's board liaison, and suggested that this vacancy creates an opportunity to bring in a licensed assistant county engineer who could be promoted to County Engineer upon my own retirement, which I am planning in 2024.

There are advantages to bringing a licensed engineer eligible for promotion at this time. With the workload of the Secondary Road Department in construction and design, including planning and design of the new Southbridge interchange and associated federal grant application, I feel there is an advantage to bringing the next county engineer in, allowing this individual to work through the budget and programming process with me, so that I when I do retire, the department is able to carry on without disruption in project development and construction. Iowa Code allows the Board to appoint one or more licensed engineers who will be known as county engineers (section 309.17).

The county has a job description for a licensed assistant county engineer. This position was formerly occupied by Colin Ryan, who left county employment in 2022, to take a position with another county that is taking him through a similar process where he will succeed the incumbent county engineer as I proposed above. This position has a higher pay grade than the Assistant to the County Engineer position being vacated by Ben Kusler as Ben's position does not require the individual to be a licensed professional engineer.

Selection of an assistant county engineer that may be promoted to county engineer will require more involvement of the Board of Supervisor than we would normally look at for hiring professional staff within my department. If the Board is interested in hiring an engineer who could take over as department head/county engineer, the Board should interview that individual. If my department was looking only for a suitable assistant engineer for managing our design and construction efforts, I could select a qualified individual engineer whom I am sure would be suitable for managing our construction program. I believe the relationship as a potential department head, rather than an individual working under the county engineer, is someone with whom the Board is comfortable and shares the Board's goals.

Recommendation: Advertise for and hire a licensed Assistant County Engineer to replace Ben Kusler with the anticipation that this individual will be qualified and ready to be promoted to the position of County Engineer/Secondary Road Department Head upon my retirement.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/14/2023 Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Chairman Ung

WORDING FOR AGENDA ITEM:

Open discussion of best practices regarding open records requests and how the county may improve its communication or implementation of Chapter 22 to serve the interests of both the public requesters and the public taxpayer

ACTION REQUIRED:

Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

Open records requests have increased over the years--in frequency, scope, and legal review requirements. It would benefit all involved to discuss best practices and how to ensure consistency.

BACKGROUND:

Woodbury County currently has no open records policy, but it is not required to have one. If a policy was adopted, ideally all elected offices and associated legal entities (e.g. LEC Authority) would be involved in and endorse the result, for consistency's sake. In any case, Chapter 22 is being and would be followed. I know that KTIV plans to be involved in this discussion.

FINANCIAL IMPACT:

The county has full-time employees in IT and the Attorney's Office which absorbs certain costs which other legal entities connected to the county do not have. Also, the costs to requesters must be reasonable and actual, but there is some confusion about costs leading up to estimates/proposals/revised requests.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Options to select by consensus:
1) Make no change in practice, but improve communication through this discussion and dissemination of information.
2) Recommend the board consider and adopt a policy at subsequent meetings, and begin revisions on attached template from Johnson County (or others).
3) Refer (by consensus or future motion) to the Policy Review Committee for a recommendation.

ACTION REQUIRED / PROPOSED MOTION:

At this point, I am not recommending a certain course of action or motion, but see a few options to consider, as listed above. All of the above would rely on close coordination with and availability from the County Attorney's Office.

CHAPTER 22
EXAMINATION OF PUBLIC RECORDS
(OPEN RECORDS)

Referred to in §2.42, 7C.13, 8B.4A, 8C.4, 8C.5, 10A.105, 11.42, 15.106A, 15.107C, 15.118, 15.318, 15E.46, 16.2D, 16.81, 21.10, 23.1, 23.2, 23.5, 23.6, 23.7, 23.8, 23.10, 23.11, 23B.3, 28A.9, 28E.6, 28F.13, 28J.28, 39A.4, 49.75, 80F.1, 84A.1A, 84A.4, 84A.14, 87.11, 88.6, 88.16, 91.12, 97A.5, 97B.17, 99D.19, 99E.4, 99E.8, 99F.12, 99G.4, 99G.10, 99G.34, 99G.35, 100C.3, 101A.2, 103A.17, 124E.19, 135.43, 135D.7, 137.109, 144.43, 159.34, 159A.14, 162.2A, 162.10C, 183A.5, 203.16, 203C.24, 204.4, 214A.36, 217.45, 231B.2, 231C.3, 235A.15, 235B.6, 235D.1, 235E.2, 237.18, 237.21, 252B.9, 252B.24, 252J.2, 256E.7, 256E.12, 256F.4, 256F.10, 256H.2, 256I.7, 261.8, 261B.6, 261E.9, 266.46, 266.47, 272D.2, 279.16, 279.24, 279.38, 279.38A, 279.62, 280.30, 321.197, 321.491, 321A.3, 321N.2, 331.210A, 331.303, 331.305, 331.399, 331.909, 358C.12, 388.10, 411.5, 421.17, 421.48, 422.20, 422.72, 441.28A, 455B.105, 455B.117, 455B.179, 455K.4, 459.304, 459.312, 466.7, 473.7, 480.3, 483A.33, 502.607, 502.809, 502A.15, 505.8, 505.17, 507.10, 507.14, 507A.4, 507C.11, 507E.5, 507F.12, 508.36, 508C.12, 508C.13, 508C.18A, 508D.9, 508E.6, 508E.7, 508E.15, 510B.10, 513B.7, 515B.10, 515J.13, 518C.11, 521A.7, 521C.3, 521E.8, 521F.9, 521H.6, 521I.9, 522.8, 522B.5A, 522B.14, 523A.801, 523I.201, 523I.202, 523I.213A, 524.215, 529.2, 533.106A, 533.108, 533.501, 533A.10, 533C.507, 535B.10, 535D.15, 536.10, 536A.15, 542.7, 543B.15, 554.9523, 602.2103, 633A.5107, 679C.106, 679C.108, 685.2, 685.6, 692.18, 714.24, 715A.9A, 809A.18A, 904.602, 915.12

22.1 Definitions.
22.2 Right to examine public records — exceptions.
22.3 Supervision — fees.
22.3A Access to data processing software.
22.4 Public records requests.
22.5 Enforcement of rights.
22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17.
22.7 Confidential records.
22.8 Injunction to restrain examination.
22.9 Denial of federal funds — rules.
22.10 Civil enforcement.
22.11 Fair information practices.
22.12 Political subdivisions.
22.13 Settlements — government bodies.
22.13A Personnel settlement agreements — state employees — confidentiality — disclosure.
22.14 Public funds investment records in custody of third parties.
22.15 Personnel records — discipline — employee notification.
22.16 Inspection of records — state archives.

22.1 Definitions.

As used in this chapter:

1. "Government body" means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

2. "Lawful custodian" means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. "Lawful custodian" does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.

3. a. "Public records" includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

b. "Public records" also includes all records relating to the investment of public funds

including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

[C71, 73, 75, 77, 79, 81, §68A.1]

84 Acts, ch 1145, §1; 84 Acts, ch 1185, §1

C85, §22.1

90 Acts, ch 1271, §702; 91 Acts, ch 258, §27; 92 Acts, ch 1156, §6, 7; 2004 Acts, ch 1019, §2; 2005 Acts, ch 19, §15, 126; 2009 Acts, ch 132, §2; 2009 Acts, ch 179, §32; 2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §20

Referred to in §8A.101, 23.2, 455B.117, 543E.5, 721.1

22.2 Right to examine public records — exceptions.

1. Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under [this section](#) are in addition to the right to obtain a certified copy of a public record under [section 622.46](#).

2. A government body shall not prevent the examination or copying of a public record by contracting with a nongovernment body to perform any of its duties or functions.

3. If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record. [This subsection](#) does not apply to searches of all indexes, general and specific, of public records relating to documents, instruments, and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts.

4. However, notwithstanding [subsections 1 and 2](#), a government body is not required to permit access to or use of the following:

a. A geographic computer database by any person except upon terms and conditions acceptable to the governing body. The governing body shall establish reasonable rates and procedures for the retrieval of specified records, which are not confidential records, stored in the database upon the request of any person.

b. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in [section 22.3A](#).

[C71, 73, 75, 77, 79, 81, §68A.2]

84 Acts, ch 1185, §2

C85, §22.2

89 Acts, ch 189, §1; 96 Acts, ch 1099, §14; 98 Acts, ch 1224, §17; 2015 Acts, ch 42, §1; 2020 Acts, ch 1103, §32, 51

Referred to in §8A.106, 8A.341, 22.14, 68B.32A, 331.608, 357A.11A, 388.9, 388.9A, 459.304, 459A.208, 502.809, 904.602

22.3 Supervision — fees.

1. The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the custodian's authorized designee. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means. Although fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses, the 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 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 [this chapter](#). The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the records and

the protection of the records against damage or disorganization. The lawful custodian shall provide a suitable place for the examination and copying of the records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

2. All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information. However, a county recorder shall not charge a fee for the examination and copying of public records necessary to complete and file claims for benefits with the Iowa department of veterans affairs or the United States department of veterans affairs.

[C71, 73, 75, 77, 79, 81, §68A.3]

C85, §22.3

2001 Acts, ch 44, §2; 2005 Acts, ch 103, §1; 2006 Acts, ch 1010, §14; 2020 Acts, ch 1052, §1; 2022 Acts, ch 1039, §1

Referred to in §2.42, 8A.341, 321.11, 483A.22A

Section amended

22.3A Access to data processing software.

1. As used in [this section](#):

a. "Access" means the instruction of, communication with, storage of data in, or retrieval of data from a computer.

b. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, and communication facilities which are connected or related to the computer including a computer network. As used in this paragraph, "computer" includes any central processing unit, front-end processing unit, miniprocessor, or microprocessor, and related peripheral equipment such as data storage devices, document scanners, data entry terminal controllers, and data terminal equipment and systems for computer networks.

c. "Computer network" means a set of related, remotely connected devices and communication facilities including two or more computers with capability to transmit data among them through communication facilities.

d. "Data" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.

e. "Data processing software" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph "data processing software" includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, computer networking program, or the associated documentation.

2. a. A government body may provide, restrict, or prohibit access to data processing

software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body's ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. If a public record is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under [this chapter](#).

e. The cost chargeable to a person receiving a public record separated from data processing software under [this subsection](#) shall not be in excess of the charge under [this chapter](#) unless the person receiving the public record requests that the public record be specially processed or produced in a format different from that in which the public record is readily accessible to the government body.

f. A government body may establish payment rates and procedures required to provide access to data processing software, regardless of whether the data processing software is separated from or combined with a public record. Proceeds from payments may be considered repayment receipts, as defined in [section 8.2](#). The payment amount shall be calculated as follows:

(1) The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under [this chapter](#) for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record, the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This subparagraph shall not apply to any publication for which a price has been established pursuant to another section, including [section 2A.5](#).

(2) If access to the data processing software is provided to a person for a purpose other than provided in subparagraph (1), the amount may be established according to the discretion of the government body, and may be based upon competitive market considerations as determined by the government body.

3. A government body is granted and may apply for and receive any legal protection necessary to secure a right to or an interest in data processing software developed by the government body, including but not limited to federal copyright, patent, and trademark protections, and any trade secret protection available under [chapter 550](#). The government body may enter into agreements for the sale or distribution of its data processing software, including marketing and licensing agreements. The government body may impose

conditions upon the use of the data processing software that is otherwise consistent with state and federal law.

96 Acts, ch 1099, §15; 98 Acts, ch 1224, §18; 99 Acts, ch 207, §12; 2003 Acts, ch 35, §38, 49; 2011 Acts, ch 127, §45, 89; 2015 Acts, ch 42, §2

Referred to in §8A.341, 8B.32, 22.2, 22.7(33), 169A.1

22.4 Public records requests.

The rights of persons under [this chapter](#) may be exercised under any of the following circumstances:

1. In person, at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

2. In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.

[C71, 73, 75, 77, 79, 81, §68A.4]

84 Acts, ch 1185, §3

C85, §22.4

2020 Acts, ch 1103, §33, 51

Referred to in §8A.341

22.5 Enforcement of rights.

The provisions of [this chapter](#) and all rights of persons under [this chapter](#) may be enforced by mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights under [this chapter](#) also may be enforced by an action for judicial review according to the provisions of the Iowa administrative procedure Act, [chapter 17A](#), if the records involved are records of an “agency” as defined in that Act.

[C71, 73, 75, 77, 79, 81, §68A.5]

84 Acts, ch 1185, §4

C85, §22.5

2003 Acts, ch 44, §114

Referred to in §8A.341

22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17.

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. [This subsection](#) shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student’s education records. [This subsection](#) shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with [section 256.9, subsection 44](#).

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime

victim and the victim's counselor are not subject to disclosure except as provided in [section 915.20A](#). However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, privileged records or information specified in [section 80G.2](#), and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this section](#), except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under [this subsection](#) if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

5A. a. A crisis intervention report generated by a law enforcement agency regarding a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis, when the report is generated for the specific purpose of providing crisis intervention information to assist peace officers under any of the following circumstances:

(1) De-escalating conflicts.

(2) Referring a person experiencing a mental health crisis, substance-related disorder crisis, or housing crisis to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider.

b. A crisis intervention report generated for the purposes of [this subsection](#) shall be made available to the person who is the subject of the report upon the request of the person who is the subject of the report, and may be provided to a mental health treatment provider, substance-related disorder treatment provider, homeless service provider, or any other appropriate service provider in connection with a referral for services.

c. Crisis intervention reports generated for the purposes of [this subsection](#) are not peace officers' investigative reports under [subsection 5](#).

d. Notwithstanding other provisions of [this subsection](#), the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this subsection](#), except where disclosure would pose a clear and present danger to the safety of the person subject to the crisis intervention report or the safety of others.

e. For the purposes of [this subsection](#):

(1) "Crisis intervention report" or "report" means a report generated by a law enforcement agency using a prescribed form created by the department of justice to record the following information relevant to assess the nature of a crisis:

(a) Any biological or chemical causes of the crisis.

(b) Any observed demeanors and behaviors of the person experiencing the crisis.

(c) Persons notified in relation to the crisis.

(d) Whether suicide or injuries occurred in relation to the crisis and the extent of those injuries.

(e) Whether weapons were involved in the crisis and a description of the weapon.

(f) The disposition of the crisis intervention and any crime committed.

(2) "Housing crisis" means a situation where a person is experiencing homelessness, a lack of adequate or safe housing, or is in imminent danger of homelessness or lack of adequate or safe housing.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the sale or purchase of real or personal

property for public purposes, prior to the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in [section 6B.45](#).

8. Economic development authority information on an industrial prospect with which the authority is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in [section 815.11](#), as provided in [section 13B.4A](#).

11. *a.* Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records, except as otherwise provided in [section 80G.3](#):

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to [this section](#) or any other applicable provision of law. For purposes of this paragraph, “*compensation*” means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual’s previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, “*demoted*” and “*demotion*” mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

b. Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to 20 U.S.C. §1232g.

12. Financial statements submitted to the department of agriculture and land stewardship pursuant to [chapter 203](#) or [chapter 203C](#), by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under [section 17A.3](#). As used in [this subsection](#) disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the Iowa department of public health, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided

in [section 76.10](#) or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in [this subsection](#), “*persons outside of government*” does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. [This subsection](#) shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to [section 515B.10, subsection 1](#), paragraph “a”, subparagraph (2).

23. Information or reports collected or submitted pursuant to [section 508C.12, subsections 3 and 5](#), and [section 508C.13, subsection 2](#), except to the extent that release is permitted under those sections.

24. Reserved.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to [section 252.25](#).

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to [this chapter](#). However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in [chapter 252G](#), except to the extent that disclosure is authorized pursuant to [chapter 252G](#).

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to [section 68B.31A](#). Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to [section 68B.31](#) is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to [section 144.12A](#), except to the extent that the information may be provided to persons in accordance with [section 144.12A](#).

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in [chapters 86](#) and [216](#). Information in these confidential communications is subject to disclosure only as provided in [sections 86.44](#) and [216.15B](#), notwithstanding any other contrary provision of [this chapter](#).

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to [section 556.11](#), [subsection 2](#), included on claim forms filed with the treasurer of state pursuant to [section 556.19](#), included in outdated warrant reports received by the treasurer of state pursuant to [section 556.2C](#), or stored in record systems maintained by the treasurer of state for purposes of administering [chapter 556](#), or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to [section 556.2C](#).

33. Data processing software, as defined in [section 22.3A](#), which is developed by a government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body.

34. A record required under the Iowa financial transaction reporting Act listed in [section 529.2](#), [subsection 9](#).

35. Records of the Iowa department of public health pertaining to participants in the gambling treatment program except as otherwise provided in [this chapter](#).

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under [section 321.189A](#).

37. Mediation communications as defined in [section 679C.102](#), except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to [chapter 216](#) shall be governed by [chapter 216](#).

38. *a.* Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in [chapter 554D](#).

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to [chapter 554D](#).

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to [section 202A.2](#).

39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in [section 163.3C](#).

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person requests a record, whether the person using such computer makes the request through the IowaAccess network or directly to a lawful

custodian. However, such record may be released with the express written consent of the person requesting the record.

41. a. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports.

b. Notwithstanding paragraph “a”, the following shall be released as follows:

(1) Medical examiner-authored records and reports, including preliminary reports, investigative reports, and autopsy reports, shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency.

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with [chapter 142C](#) shall be released to a procurement organization as defined in [section 142C.2](#), upon the request of such procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

(3) Autopsy reports shall be released to the decedent’s immediate next of kin, upon the request of the decedent’s immediate next of kin, unless disclosure to the decedent’s immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

c. Information regarding the cause and manner of death shall not be kept confidential under [this subsection](#), unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in [section 523C.23](#).

43. Information obtained by the commissioner of insurance pursuant to [section 502.607](#).

44. Information provided to the court and state public defender pursuant to [section 13B.4, subsection 5](#); [section 814.11, subsection 7](#); or [section 815.10, subsection 5](#).

45. The critical asset protection plan or any part of the plan prepared pursuant to [section 29C.8](#) and any information held by the department of homeland security and emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not disseminate the information without prior approval of the director.

46. Military personnel records recorded by the county recorder pursuant to [section 331.608](#).

47. A report regarding interest held in agricultural land required to be filed pursuant to [chapter 10B](#).

48. Sex offender registry records under [chapter 692A](#), except as provided in [section 692A.121](#).

49. Confidential information, as defined in [section 86.45, subsection 1](#), filed with the workers’ compensation commissioner.

50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.

a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack.

b. For purposes of [this subsection](#), “cyber security information and records” include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

51. The information contained in the information program established in [section 124.551](#), except to the extent that disclosure is authorized pursuant to [section 124.553](#).

52. a. The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in [section 173.22A](#), to a foundation acting solely for the support of an institution governed by [chapter 260C](#), to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in [section 15E.303](#), organized for the support of a government body:

(1) Portions of records that disclose a donor’s or prospective donor’s personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor’s prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph “a”, subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

c. Except as provided in paragraphs “a” and “b”, portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fund-raising policies and documents evidencing fund-raising practices, shall be subject to [this chapter](#).

d. [This subsection](#) does not apply to a report filed with the Iowa ethics and campaign disclosure board pursuant to [section 8.7](#).

53. Information obtained and prepared by the commissioner of insurance pursuant to [section 507.14](#).

54. Information obtained and prepared by the commissioner of insurance pursuant to [section 507E.5](#).

55. An intelligence assessment and intelligence data under [chapter 692](#), except as provided in [section 692.8A](#).

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the economic development authority.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

- a. An applicant's social security number.
- b. An applicant's personal financial history.
- c. An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to [sections 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, and 523A.803](#).

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to [chapter 556](#) concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information in a record that would permit a governmental body subject to [chapter 21](#) to hold a closed session pursuant to [section 21.5](#) in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to [this subsection](#), or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, [this subsection](#) shall no longer apply. [This subsection](#) shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

61. Records of the department on aging pertaining to clients served by the state office or a local office of public guardian as defined in [section 231E.3](#).

62. Records maintained by the department on aging or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department on aging, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under [section 231.42, subsection 12](#), paragraph "a".

63. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in [section 533.501, subsection 3](#).

64. Information obtained by the commissioner of insurance in the course of an examination of a cemetery as provided in [section 523I.213A, subsection 7](#).

65. Tentative, preliminary, draft, speculative, or research material, prior to its completion for the purpose for which it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption, or execution of any official policy or action by a public official authorized to make such decisions for the governmental body or the government body. [This subsection](#) shall not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption, or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body.

66. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

67. Electronic mail addresses of individuals or phone numbers of individuals, and personally identifiable information about those individuals, collected by state departments and agencies for the sole purpose of disseminating emergency or routine information and notices through electronic communications that are not prepared for a specific recipient.

68. Information required to be provided by a disclosing entity pursuant to [42 C.F.R. §455.104](#), pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation.

69. The evidence of public employee support for the certification, retention and

recertification, or decertification of an employee organization as defined in [section 20.3](#) that is submitted to the public employment relations board as provided in [section 20.14](#) or [20.15](#).

70. Information indicating whether a public employee voted in a certification, retention and recertification, or decertification election held pursuant to [section 20.15](#) or how the employee voted on any question on a ballot in such an election.

71. Information and records related to cyber security information or critical infrastructure, the disclosure of which may expose or create vulnerability to critical infrastructure systems, held by the utilities board of the department of commerce or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of this subsection, “*cyber security information*” includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

72. The voter verification number, as defined in [section 53.2, subsection 4](#), paragraph “c”, that is assigned to a voter and maintained and updated in the statewide voter registration system.

73. The personal identification number assigned by the state commissioner of elections pursuant to [section 48A.10A, subsection 1](#).

74. Personal information as defined in [section 22A.1](#).

75. Identifying information submitted to the department of revenue from a distributor pursuant to [section 455C.2, subsection 2](#), paragraph “b”. However, [this subsection](#) shall not be construed to prohibit the dissemination of aggregated information that does not identify a specific distributor.

[C71, 73, 75, 77, 79, 81, §68A.7; 81 Acts, ch 36, §1, ch 37, §1, ch 38, §1, ch 62, §4]

83 Acts, ch 90, §9; 84 Acts, ch 1014, §1; 84 Acts, ch 1185, §5, 6

C85, §22.7

85 Acts, ch 134, §16; 85 Acts, ch 175, §1; 85 Acts, ch 208, §1; 86 Acts, ch 1184, §1; 86 Acts, ch 1228, §1; 87 Acts, ch 223, §20; 88 Acts, ch 1010, §1; 88 Acts, ch 1256, §1; 89 Acts, ch 194, §1; 89 Acts, ch 304, §102; 89 Acts, ch 311, §22; 90 Acts, ch 1017, §1; 90 Acts, ch 1271, §703; 92 Acts, ch 1212, §3; 93 Acts, ch 79, §2; 93 Acts, ch 163, §27; 94 Acts, ch 1023, §76; 94 Acts, ch 1064, §1; 94 Acts, ch 1092, §1; 94 Acts, ch 1174, §1; 95 Acts, ch 100, §1; 95 Acts, ch 129, §1; 95 Acts, ch 191, §1; 96 Acts, ch 1037, §1; 96 Acts, ch 1099, §16; 96 Acts, ch 1133, §38; 96 Acts, ch 1150, §1; 96 Acts, ch 1212, §10; 97 Acts, ch 92, §1; 97 Acts, ch 159, §1; 98 Acts, ch 1062, §8, 9; 98 Acts, ch 1073, §9; 98 Acts, ch 1090, §59, 84; 99 Acts, ch 88, §1, 11, 13; 99 Acts, ch 146, §43; 2000 Acts, ch 1014, §1; 2000 Acts, ch 1140, §1; 2000 Acts, ch 1147, §27; 2000 Acts, ch 1161, §1; 2000 Acts, ch 1189, §25; 2001 Acts, ch 24, §17; 2001 Acts, ch 108, §1; 2002 Acts, ch 1038, §1; 2002 Acts, ch 1067, §13; 2002 Acts, ch 1076, §2; 2002 Acts, ch 1098, §1; 2002 Acts, ch 1117, §53, 56; 2003 Acts, ch 114, §1; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2004 Acts, ch 1091, §3; 2004 Acts, ch 1104, §4; 2004 Acts, ch 1147, §6; 2004 Acts, ch 1161, §65, 68; 2004 Acts, ch 1175, §462, 468; 2005 Acts, ch 19, §16; 2005 Acts, ch 68, §2; 2005 Acts, ch 168, §8, 23; 2006 Acts, ch 1054, §1, 2; 2006 Acts, ch 1117, §2; 2006 Acts, ch 1122, §1; 2006 Acts, ch 1127, §1; 2006 Acts, ch 1147, §1, 11; 2006 Acts, ch 1148, §1; 2006 Acts, ch 1185, §57, 58, 92; 2007 Acts, ch 37, §1; 2007 Acts, ch 62, §1; 2007 Acts, ch 126, §11; 2007 Acts, ch 175, §1; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1144, §2, 12, 13; 2008 Acts, ch 1191, §34, 99; 2009 Acts, ch 23, §6; 2009 Acts, ch 48, §1; 2009 Acts, ch 119, §33; 2010 Acts, ch 1121, §1; 2011 Acts, ch 20, §3; 2011 Acts, ch 30, §1; 2011 Acts, ch 79, §2; 2011 Acts, ch 106, §8 – 10, 17; 2011 Acts, ch 118, §39, 85, 89; 2012 Acts, ch 1086, §1; 2012 Acts, ch 1115, §2, 17; 2013 Acts, ch 18, §4; 2013 Acts, ch 29, §7; 2013 Acts, ch 103, §1; 2013 Acts, ch 116, §2; 2013 Acts, ch 129, §47; 2014 Acts, ch 1136, §23; 2015 Acts, ch 42, §3; 2015 Acts, ch 60, §1; 2015 Acts, ch 128, §1, 50, 51; 2015 Acts, ch 138, §12, 161, 162; 2016 Acts, ch 1018, §1; 2016 Acts, ch 1085, §1, 3; 2017 Acts, ch 2, §19, 20, 26, 27, 50, 53, 54; 2017 Acts, ch 21, §1, 2; 2017 Acts, ch 54, §13; 2017 Acts, ch 110, §1; 2017

Acts, ch 122, §1, 2; 2017 Acts, ch 156, §1; 2018 Acts, ch 1041, §119; 2018 Acts, ch 1048, §1; 2021 Acts, ch 120, §1; 2021 Acts, ch 149, §2; 2022 Acts, ch 1071, §1; 2022 Acts, ch 1139, §1, 20

Referred to in §2C.9, 10B.5, 15.274, 21.5, 22.10, 22.15, 29C.17A, 34A.7A, 47.1, 68B.31, 68B.32B, 76.11, 80B.13A, 80G.1, 87.11, 99D.19, 99E.8, 99F.12, 99G.34, 100.5, 124.553, 135.43, 135O.4, 136A.7, 147A.26, 159A.14, 163.3C, 166D.10, 173.22A, 202A.2, 203.11B, 203D.4, 206.23A, 206.23B, 214A.36, 232.149, 252G.5, 263B.10, 266.46, 266.47, 279.51A, 280.19A, 299A.11, 321.189A, 388.2A, 452A.33, 455B.117, 455C.2, 462A.7, 465C.14, 466B.43, 466B.44, 466B.47, 466B.49, 468.17A, 476.74, 477A.7, 510C.2, 515.103, 515J.13, 521A.7, 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.502A, 523A.803, 523C.23, 556.24A, 692.8A, 692.18, 692C.1, 708.2B, 716.6B, 901.5B, 901C.2, 901C.3, 907.4, 907.9, 915.90

Future repeal of subsection 39 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; 99 Acts, ch 88, §11

2017 amendment to subsection 11, paragraph a, subparagraph (5) takes effect February 17, 2017, and applies to all information described in subparagraph (5), as amended, relating to information placed in an individual's personnel records on or after February 17, 2017; 2017 Acts, ch 2, §53, 54

Subsection 75 effective January 1, 2023; 2022 Acts, ch 1139, §20

NEW subsections 5A and 75

22.8 Injunction to restrain examination.

1. The district court may grant an injunction restraining the examination, including copying, of a specific public record or a narrowly drawn class of public records. A hearing shall be held on a request for injunction upon reasonable notice as determined by the court to persons requesting access to the record which is the subject of the request for injunction. It shall be the duty of the lawful custodian and any other person seeking an injunction to ensure compliance with the notice requirement. Such an injunction may be issued only if the petition supported by affidavit shows and if the court finds both of the following:

- a. That the examination would clearly not be in the public interest.
- b. That the examination would substantially and irreparably injure any person or persons.

2. An injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond.

3. In actions brought under [this section](#) the district court shall take into account the policy of [this chapter](#) that free and open examination of public records is generally in the public interest even though such examination may cause inconvenience or embarrassment to public officials or others. A court may issue an injunction restraining examination of a public record or a narrowly drawn class of such records, only if the person seeking the injunction demonstrates by clear and convincing evidence that [this section](#) authorizes its issuance. An injunction restraining the examination of a narrowly drawn class of public records may be issued only if such an injunction would be justified under [this section](#) for every member within the class of records involved if each of those members were considered separately.

4. Good-faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of [this chapter](#) if the purpose of the delay is any of the following:

- a. To seek an injunction under [this section](#).
- b. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.
- c. To determine whether the government record in question is a public record, or confidential record.
- d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.
- e. Actions for injunctions under [this section](#) may be brought by the lawful custodian of a government record, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.
- f. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#).

[C71, 73, 75, 77, 79, 81, §68A.8]

84 Acts, ch 1185, §7

C85, §22.8

Referred to in [§23.5](#), [23.11](#)

22.9 Denial of federal funds — rules.

1. If it is determined that any provision of [this chapter](#) would cause the denial of funds,

services or essential information from the United States government which would otherwise definitely be available to an agency of this state, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

2. An agency within the meaning of [section 17A.2, subsection 1](#), shall adopt as a rule, in each situation where [this section](#) is believed applicable, the agency's determination identifying those particular provisions of [this chapter](#) that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

[C71, 73, 75, 77, 79, 81, §68A.9]

[84 Acts, ch 1185, §8](#)

C85, §22.9

[2018 Acts, ch 1041, §8](#)

22.10 Civil enforcement.

1. The rights and remedies provided by [this section](#) are in addition to any rights and remedies provided by [section 17A.19](#). Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any county attorney, may seek judicial enforcement of the requirements of [this chapter](#) in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce [this chapter](#) shall be brought in the district court for the county in which the lawful custodian has its principal place of business.

2. Once a party seeking judicial enforcement of [this chapter](#) demonstrates to the court that the defendant is subject to the requirements of [this chapter](#), that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of [this chapter](#).

3. Upon a finding by a preponderance of the evidence that a lawful custodian has violated any provision of [this chapter](#), a court:

a. Shall issue an injunction punishable by civil contempt ordering the offending lawful custodian and other appropriate persons to comply with the requirements of [this chapter](#) in the case before it and, if appropriate, may order the lawful custodian and other appropriate persons to refrain for one year from any future violations of [this chapter](#).

b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars and not less than one hundred dollars. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated [this chapter](#) shall not be assessed such damages if that person proves that the person did any of the following:

(1) Voted against the action violating [this chapter](#), refused to participate in the action violating [this chapter](#), or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of [this chapter](#).

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of [this chapter](#). It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under [this subsection](#) if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in [section 22.7](#) under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.

c. Shall order the payment of all costs and reasonable attorney fees, including appellate

attorney fees, to any plaintiff successfully establishing a violation of [this chapter](#) in the action brought under [this section](#). The costs and fees shall be paid by the particular persons who were assessed damages under paragraph “b” of [this subsection](#). If no such persons exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful plaintiff from the budget of the offending government body or its parent.

d. Shall issue an order removing a person from office if that person has engaged in a prior violation of [this chapter](#) for which damages were assessed against the person during the person’s term.

4. Ignorance of the legal requirements of [this chapter](#) is not a defense to an enforcement proceeding brought under [this section](#). A lawful custodian or its designee in doubt about the legality of allowing the examination or copying or refusing to allow the examination or copying of a government record is authorized to bring suit at the expense of that government body in the district court of the county of the lawful custodian’s principal place of business, or to seek an opinion of the attorney general or the attorney for the lawful custodian, to ascertain the legality of any such action.

[84 Acts, ch 1185, §9; 2005 Acts, ch 99, §2; 2011 Acts, ch 106, §11, 12, 17; 2012 Acts, ch 1115, §3, 17; 2021 Acts, ch 183, §6](#)

Referred to in [§23.5, 23.6, 23.10](#)

22.11 Fair information practices.

[This section](#) may be cited as the “*Iowa Fair Information Practices Act*”. It is the intent of [this section](#) to require that the information policies of state agencies are clearly defined and subject to public review and comment.

1. Each state agency as defined in [chapter 17A](#) shall adopt rules which provide the following:

a. The nature and extent of the personally identifiable information collected by the agency, the legal authority for the collection of that information, and a description of the means of storage.

b. A description of which of its records are public records, which are confidential records, and which are partially public and partially confidential records and the legal authority for the confidentiality of the records. The description shall indicate whether the records contain personally identifiable information.

c. The procedure for providing the public with access to public records.

d. The procedures for allowing a person to review a government record about that person and have additions, dissents, or objections entered in that record unless the review is prohibited by statute.

e. The procedures by which the subject of a confidential record may have a copy of that record released to a named third party.

f. The procedures by which the agency shall notify persons supplying information requested by the agency of the use that will be made of the information, which persons outside of the agency might routinely be provided this information, which parts of the information requested are required and which are optional and the consequences of failing to provide the information requested.

g. Whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2. A state agency shall not use any personally identifiable information after July 1, 1988, unless it is in a record system described by the rules required by [this section](#).

[84 Acts, ch 1185, §10](#)

Referred to in [§22.12](#)

22.12 Political subdivisions.

A political subdivision or public body which is not a state agency as defined in [chapter 17A](#) is not required to adopt policies to implement [section 22.11](#). However, if a public body chooses to adopt policies to implement [section 22.11](#) the policies must be adopted by the

elected governing body of the political subdivision of which the public body is a part. The elected governing body must give reasonable notice, make the proposed policy available for public inspection and allow full opportunity for the public to comment before adopting the policy. If the public body is established pursuant to an agreement under [chapter 28E](#), the policy must be adopted by a majority of the public agencies party to the agreement. These policies shall be kept in the office of the county auditor if adopted by the board of supervisors, the city clerk if adopted by a city, and the chief administrative officer of the public body if adopted by some other elected governing body.

[84 Acts, ch 1185, §11](#)

22.13 Settlements — government bodies.

When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.

[91 Acts, ch 96, §1; 2011 Acts, ch 106, §13, 17](#)

Referred to in [§22.13A](#)

22.13A Personnel settlement agreements — state employees — confidentiality — disclosure.

1. For purposes of [this section](#):

a. “*Personnel settlement agreement*” means a binding legal agreement between a state employee and the state employee’s employer, subject to [section 22.13](#), to resolve a personnel dispute including but not limited to a grievance. “*Personnel settlement agreement*” does not include an initial decision by a state employee’s employer concerning a personnel dispute or grievance.

b. “*State employee*” means an employee of the state who is an employee of the executive branch as described in sections [7E.2](#) and [7E.5](#).

2. Personnel settlement agreements shall not contain any confidentiality or nondisclosure provision that attempts to prevent the disclosure of the personnel settlement agreement. In addition, any confidentiality or nondisclosure provision in a personnel settlement agreement is void and unenforceable.

3. The requirements of [this section](#) shall not be superseded by any provision of a collective bargaining agreement.

4. All personnel settlement agreements shall be made easily accessible to the public on an internet site maintained as follows:

a. For personnel settlement agreements with an employee of the executive branch, excluding an employee of the state board of regents or institution under the control of the state board of regents, by the department of administrative services.

b. For personnel settlement agreements with an employee of the state board of regents or institution under the control of the state board of regents, by the state board of regents.

5. a. A state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the personnel settlement agreement is first reviewed by the attorney general or the attorney general’s designee. Additionally, a state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the agreement has been approved in writing by the following individuals:

(1) For a state agency other than an institution governed by the board of regents, the director of the department of management, the director of the department of administrative services, and the head of the state agency.

(2) For an institution governed by the board of regents, the executive director of the board of regents and the head of the institution.

b. If paragraph “a”, subparagraph (1) or (2) is not consistent with the provision of a collective bargaining agreement, a state agency shall provide the individuals referenced in [this subsection](#), as applicable, with regular reports regarding any personnel settlement agreements entered into with state employees by the state agency.

[2017 Acts, ch 2, §51, 53; 2017 Acts, ch 170, §30, 43](#)

22.14 Public funds investment records in custody of third parties.

1. The records of investment transactions made by or on behalf of a public body are public records and are the property of the public body whether in the custody of the public body or in the custody of a fiduciary or other third party.

2. If such records of public investment transactions are in the custody of a fiduciary or other third party, the public body shall obtain from the fiduciary or other third party records requested pursuant to [section 22.2](#).

3. If a fiduciary or other third party with custody of public investment transactions records fails to produce public records within a reasonable period of time as requested by the public body, the public body shall make no new investments with or through the fiduciary or other third party and shall not renew existing investments upon their maturity with or through the fiduciary or other third party. The fiduciary or other third party shall be liable for the penalties imposed under statute, common law, or contract due to the acts or omissions of the fiduciary or other third party.

[92 Acts, ch 1156, §8; 2011 Acts, ch 106, §14, 17](#)

22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in [section 22.7, subsection 11](#), paragraph “a”, subparagraph (5), being placed in the employee’s personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee’s personnel record as a result of the disciplinary action may become a public record.

[2017 Acts, ch 2, §52, 53; 2018 Acts, ch 1026, §11](#)

22.16 Inspection of records — state archives.

1. Notwithstanding any provision of law to the contrary, a public record that is an archive, as defined in [section 305.2](#), shall be available for public examination and copying under [this chapter](#) if the public record was created at least one hundred years prior to a request for access to the record, subject to the requirements of [this section](#).

2. A public record as described in [this section](#) shall not be available for examination and copying under any of the following circumstances:

a. The public record is ordered to be sealed and is not subject to inspection by any federal or state court.

b. The public record is prohibited from being disclosed under any federal law, rule, or regulation.

[2018 Acts, ch 1125, §1](#)

Public Records Policy
*****SAMPLE FOR ILLUSTRATION PURPOSES ONLY*****
(TEMPLATE FROM JOHNSON COUNTY)

Purpose

Woodbury County works to achieve and enforce open government laws. Many public records can be accessed online. The Iowa Open Records law is designed to ensure that the public has access to the public records of government bodies at all levels in Iowa. The Iowa Open Meetings Law regulates the methods by which public meetings are conducted. Anyone may request public records in Iowa.

Policy

It is the policy of Woodbury County to enable inspection and copying of public records of the County in conformance with the Iowa Open Records law (Iowa Code Chapter 22). Further, it is the policy of this county to recover reasonable costs arising from the examination, copying, and/or provision of access to public records of the county consistent with the Iowa Open Records law. Persons making requests for public records are encouraged to use a standard form and submit it to the applicable department head where the records are located, although use of the form is not mandatory for a valid request.

Scope

This policy is applicable to all Woodbury County departments in custody of public records of the county.

Administrative Procedures

Public records are available for inspection during customary office hours of 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Examination and copying shall be done under the supervision of the record custodian. A record custodian should not relinquish control of the actual records and precautions should be taken to ensure against damage, destruction, loss, and/or disorganization of the records made available for examination.

Woodbury County charges appropriate fees for providing public examination and copying of public records. The Chairman of the Board of Supervisors will assist departments and offices in meeting all requirements and procedures related to requests for records. This policy is not intended to preclude routine responses to verbal requests for documents by the public or media to staff.

Requests for access to records should be directed to the appropriate department head or director of the department where the records are kept. The persons holding the following positions are hereby delegated with the responsibility for implementing the requirements of Chapter 22 with respect to records maintained in their respective departments.

Assessor – County Assessor’s Office

Attorney – County Attorney’s Office

Auditor, Recorder, and Commissioner of Elections – Auditor’s Office

Budget/Finance Director – Board of Supervisors Office

Building Services Director – Building Services Department

Chairman of the Board of Supervisors – Board of Supervisors Office

Conservation Director – Conservation Department

Emergency Management Coordinator – Emergency Management
Emergency Services Director – Emergency Services
Engineer – Secondary Roads Department
Human Resources Director – Human Resources Department
Information Technology Director – Woodbury County Information and Communication Commission
Juvenile Detention Director – Juvenile Detention
Planning & Zoning Coordinator – Planning and Zoning Department
Public Health Director – Siouxland District Health Department
Sheriff – County Sheriff’s Office
Social Services Director – Rolling Hills Region
Treasurer – Treasurer’s Office
Veteran Affairs Director – Commission of Veteran Affairs

Requests involving multiple departments will be coordinated by the Board of Supervisors Office. All requests, written or oral, for public records should be fulfilled in compliance with state law. Immediate access to records may be affected by a good faith effort to verify the scope of the records requested, locate the specific records requested, determine whether any of the records, or information contained therein, is confidential in nature, and provide access to the requested record(s) unless a basis exists for withholding access pursuant to Iowa Code Sections 22.7, 22.8, lawful court order or other applicable law. If the request is denied in whole or in part, the requestor shall be provided a description of the reason for denial of the request including a reference to the legal authority for the denial.

Confidential Records

If the department has a concern about whether the record requested may be considered confidential or otherwise not subject to examination, the lawful custodian should endeavor to identify the potential basis for confidential treatment and consult with the Woodbury County Attorney’s Office prior to making a record available to the requestor.

There are multiple sources of legal authority that require confidentiality for certain types of records maintained by Woodbury County including but not limited to Iowa Code Section 22.7. It is important to note that there are other federal and state laws that require confidentiality of certain types of records, and that release of documents subject to these legal protections may lead to penalties against the county or in some cases the individuals who released confidential records contrary to law. Confidential records may be withheld when appropriate authority exists to do so, and confidential information within an otherwise public record may be redacted prior to a record’s release. If a confidential record is withheld from examination and copying, or confidential information within an otherwise public record is redacted, the county will identify the document(s) and cite the applicable legal authority which supports the decision to withhold the confidential information from public examination.

Fees for Reasonable Costs

Fulfillment of a request may be made contingent on payment of a fee and an estimate of expenses shall be communicated to the requestor prior to fulfilling a request. The following fee schedule shall apply:

Staff Time fee:

- Requests requiring less than 30 cumulative minutes of staff time will not incur charges. Any request requiring more than 30 minutes of staff time will be rounded up to the nearest 30

minutes and billed based on an hourly rate. The hourly rate will be calculated by the respective Department Head, based on the hourly rate of staff involved in the request. If it is estimated that the retrieval requires staff time in excess of 30 minutes, the party requesting the documents will be notified in advance of the estimated expense.

- No department may require advance payment of any fee unless the requestor has previously failed to pay fees in a timely fashion, the requestor is from out of state and/or the fee has been estimated to exceed \$100.
- Staff time includes:
 1. Time spent retrieving potentially responsive documents,
 2. reviewing documents for responsiveness, confidential or other information exempt from disclosure,
 3. redaction; and
 4. time spent supervising or assisting the examination of records by the requestor on site.
- The County Attorney's Office may be consulted to determine if confidential documents or information are included in a request, and/or the bases for withholding records from public release, and a fee will be assessed in half-hour increments based on the hourly rate of the reviewing attorney.

Copying fee: Photocopies will be provided at no charge for the first 10 pages. A 50 cents per page charge will be assessed for each page in excess of 10 pages in addition to the hourly fee referenced above.

Information Technology fee: Requests necessitating computer programming or extraction of data by the Information Technology Department will be assessed a charge based on the hourly rate of staff involved in the request. Note that local governments do not have to create data through cross tabulations, selective analysis, or other data manipulation, nor is there an obligation to provide information in a form other than that which exists at the time of the request. Any such work is discretionary and may be subject to charges for staff time.

Postage or shipping expense fee: Fees for mailing or shipping will be assessed based on actual cost.

Miscellaneous fee: Miscellaneous fees, including county-provided data storage devices (e.g., CDs, thumb drives, hard drives), requested or required for transmission of the request, will be assessed based on actual cost of the medium.

Departments responding to the request are responsible for calculating appropriate charges using these guidelines.

Woodbury County, Iowa Public Records Request Form

Iowa's Open Records Law provides the public the right to examine and copy public records under the provisions of Iowa Code Chapter 22. Pursuant to Chapter 22, persons requesting such records may be requested to pay the reasonable cost of the production of such records. A description of how fees for reasonable costs are determined is set forth below. Please note that if the requested record(s) potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for redacting of the documents prior to examination or copying.

Requestor's information:(Please Print)

1. Name: _____ Company Name _____
2. Mailing Address: _____

3. Daytime Phone Number: _____
4. Alternate Phone Number: _____
5. Fax Number: _____
6. E-mail Address: _____

Request:

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

2. Requesting: (circle all that are applicable)

In person examination
Paper copies
CD/DVD
Digital files
Other _____

Signature and Printed name of requestor

Date of Request

Details of Request (for office use only)

1. Request received via: __e-mail, ___mail, ___in person/verbal, ___ fax
2. Department/Employee who received request _____
3. Date and time received _____
4. Does request potentially include confidential or otherwise protected information Y/N
If yes, date referred to County Attorney for review. _____

5. Date request completed. _____
6. Description of response to request _____
___ Copy of response attached

Fees for production (for office use only)

Staff time _____ minus first 30 minutes x _____ (hourly rate) \$ _____

Copy Charges _____ # pages x \$.50 per page for production over 10 pages \$ _____

Data storage device(s) \$ _____

Mail/Shipping charges \$ _____

Information Technology staff time _____ hours x hourly rate \$ _____

Attorney review _____ hours x hourly rate \$ _____

Other _____ \$ _____
(provide description)

Total estimated cost \$ _____

(If total estimated cost exceed \$100, payment may be requested in advance.)

Date estimated cost provided to requestor _____

Name of employee that communicated estimated cost to requestor _____

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 12/13/2023

Weekly Agenda Date: 12/19/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Supervisor Jeremy Taylor

WORDING FOR AGENDA ITEM:

Motion to Delay the Public Hearing for the Salix Drainage District from February 20, 2024 to March 19, 2024

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

During the December 5 board meeting, we had around 40 Salix residents attend a public hearing in which every person spoke in favor of a Salix Drainage District, which would establish its own drainage district trustees rather than the Board of Supervisors; however, what many found objection to was the current plan. This hasn't been done in nearly a century, and residents expressed many concerns about the current plan that was being proposed by V&K. Rather than approve the plan as submitted, the BOS "tapped the brakes," asked for further public input to be given, and asked for a draft proposal during a subsequent public hearing to be brought back on February 20, 2024.

This items gives more time for public input with a meeting to be scheduled after the first of the year and V&K to publicly divulge details of possible options and proposals.

BACKGROUND:

I have had two concerns: public input akin to what we were hearing bandied about on December 5 and the dissemination of how taxing would be allocated/apportioned, which would seem that upon the request of a single affected party could trigger that determination.

At the December 12 meeting, I shared my desire to help facilitate a public meeting in concert with Salix Mayor Kevin Nelson. On December 13, Patrick Mouw let me know that the statutory provisions require a 40 day notice to any affected party before the February 20 meeting, which would mean everything would need to be done and reconfigured by January 10. Given the holidays, this doesn't seem to fit well with a public meeting and drafting based on holding a meeting and amending the current plan (less than a month). When I asked Patrick about delaying it a month to give him time, e.g. holding a public meeting first, March 19 is much better and would give the space and time to take further public input, an extension of what we started in an over-hour-long discussion on December 12.

If there were ever a time to "measure twice, cut once," this is it. Plus, the up to two-year extension of the Farmer's Drainage District which Salix can utilize underscores that there is no reason to artificially rush this. If the BOS extends this, my intention would be to work with the Mayor of Salix to have an informational meeting at 5 pm on Thursday, January 11.

FINANCIAL IMPACT:

None

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Motion to Delay the Public Hearing for the Salix Drainage District from February 20, 2024 to March 19, 2024

ACTION REQUIRED / PROPOSED MOTION:

Motion to Delay the Public Hearing for the Salix Drainage District from February 20, 2024 to March 19, 2024