

RESOLUTION # 738-25

PUBLIC RECORDS POLICY

RESOLUTION UPDATING PUBLIC RECORDS POLICY FOR GLENWOOD MUNICIPAL UTILITIES, BE IT RESOLVED BY THE GLENWOOD MUNICIPAL UTILITIES BOARD OF TRUSTEES OF GLENWOOD, IOWA

Purpose

The purpose of this Public Records Policy is to define the policies, procedures and fee structure associated with handling public records requests made to Glenwood Municipal Utilities.

Glenwood Municipal Utilities is subject to Iowa's "open records" law set forth in Iowa Code Chapter 22. Iowa Code Section 22.1 contains a broad definition of what is considered public record, which includes, "... all records, documents, tape or other information, stored or preserved in any medium."

General Policy

It is the policy of Glenwood Municipal Utilities to meet all reasonable requests for information and documents within the constraints of Iowa Code Chapter 22. This policy should be read in harmony with those provisions of Iowa Code Chapter 22 in effect at the time of the request.

Glenwood Municipal Utilities recognizes the right of the public to access public records maintained by Glenwood Municipal Utilities in accordance with state law. When Glenwood Municipal Utilities responds to requests to inspect or copy records, costs are incurred by Glenwood Municipal Utilities. This policy is adopted to balance these competing interests, to establish an orderly and consistent procedure for responding to public records requests and to support the adoption of a fee schedule designed to reimburse Glenwood Municipal Utilities for actual costs incurred in responding to public records requests.

Custodian of Records

Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to the public.

Requests for public records should be directed to the respective lawful custodian of such records. The following is contact information for Glenwood Municipal Utilities custodian:

Executive Secretary

Any questions concerning Glenwood Municipal Utilities Public Records Policy, related procedures or fees should be directed to:

Glenwood Municipal Utilities

Executive Secretary

7 N. Vine Street

Glenwood, IA 51534

712-527-4868 or contact@glenwoodmu.com

General Procedure

This policy is not intended to preclude verbal responses to routine requests for information. In addition, under certain circumstances, documents may be provided without a written request. Those circumstances may include:

- Documents made generally available to the public at public meetings.

Written Request

All parties requesting any Glenwood Municipal Utilities records are asked to complete and submit a written Request for Examination and Copying of Public Records Form, to allow Glenwood Municipal Utilities to promptly and accurately respond. Written requests are not limited to the attached form, but use of the form is highly encouraged to ensure sufficient clarity of public records requests. Glenwood Municipal Utilities reserves the right to seek clarification of any public records requests before responding to the request. Glenwood Municipal Utilities reserves the right to deny any public records request if the request is sufficiently vague or unclear that Glenwood Municipal Utilities cannot reasonably determine what records have been requested.

Routine and Non-Routine Records Requests

A. Routine Requests. Routine records requests are those that are expected to be completed within 30 minutes and involve less than 10 pages of material. Routine records requests may be handled directly by the department involved with notice of the request. Examples of routine records requests include but are not limited to requests for meeting minutes or agendas, and requests for copies of specific resolutions.

B. Non-Routine Requests. Non-routine records requests are those that are expected to take longer than 30 minutes to complete or involve more than 10 pages of material. Glenwood Municipal Utilities staff should provide a copy of all non-routine records request to the Executive Secretary immediately upon receipt. The Executive Secretary will coordinate the response to all non-routine records requests.

Requestor's Options for Examining or Copying Records

In-person Examination of Records. Persons seeking public records within the control of Glenwood Municipal Utilities may schedule an appointment to examine such records at Glenwood Municipal Utilities office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Glenwood

Municipal Utilities holidays. In-person examinations will be coordinated by the Executive Secretary. Adequate notice is required for in-person examinations as prior review and redaction of confidential or otherwise protected information may need to occur prior to a requestor's in-person review. In-person examinations will be supervised by Glenwood Municipal Utilities staff and conducted in a manner as directed by staff to prevent destruction, misappropriation, manipulation or disorganization of the original materials. After examination, persons seeking copies of public records need to specifically and clearly indicate which records are requested for copying.

Personal Review Not Required. Requestors are not required by law to be personally present for the examination of records and, therefore, may ask that Glenwood Municipal Utilities examine its records and provide copies of records that correspond to the request in accordance with the terms and conditions of this policy.

Timing of Response

Glenwood Municipal Utilities will strive to respond to public records requests within twenty (20) calendar days and make a good faith effort to provide access to public records as soon as possible.

The time to locate a record can vary considerably depending on the specificity of the request, the number of potentially responsive documents, the age of the documents, the location of the documents, and whether documents are stored electronically.

Glenwood Municipal Utilities staff are not expected to abandon or neglect their regular public duties to comply with a public records request and thus need sufficient time to make and deliver requested copies.

If the requested material potentially contains confidential information or is otherwise exempt from disclosure, additional time may be required for review and possible redacting of the material.

In the event a request for an audio recording, video recording or any other form or medium that Glenwood Municipal Utilities determines will require additional time to process and produce, the requester will be notified of both the delay and any additional cost within a reasonable time.

Disclaimer of Responsibility for Requestor's Use of Information Obtained from the City

Although records provided to a requestor may be deemed to be "open" or "public" records within the meaning of Iowa Code Chapter 22, Glenwood Municipal Utilities recommends that any use of information provided by Glenwood Municipal Utilities comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

Exceptions

Any requests for an exception or deviation from this policy must be approved in advance by the Utility Superintendent

Exemptions

There are exceptions that protect certain records and documents from public disclosure. A number of these exceptions are listed in Iowa Code Chapter 22; others are provided elsewhere in the Iowa Code or by federal statute. Federal laws protect certain types of personal information from disclosure unless a

law enforcement subpoena is provided. Additionally, various categories of information routinely handled by Glenwood Municipal Utilities are considered confidential and therefore protected from disclosure. These categories include but are not limited to:

- A. Confidential business information of Glenwood Municipal Utilities.
- B. Personnel records.
- C. Personal identification information.
- D. Glenwood Municipal Utilities Attorney communications that are protected by state or federal law.
- E. Customer usage or consumption data.
- F. Confidential information received from other municipalities, utilities, regulatory agencies or law enforcement.
- G. Copyrighted material or trade secrets.
- H. Data processing software, except for records otherwise considered public and separable from the software; and
- I. Homeland security and emergency management plans.

Disclosure of certain security related information to the public may increase risks to employees, visitors, people or property and therefore must be protected. Glenwood Municipal Utilities shall not disclose confidential information developed and maintained by Glenwood Municipal Utilities concerning security procedures and emergency preparedness in response to the public records request if disclosure could reasonably be expected to jeopardize such employees, visitors, persons, or property. Only information that has a reasonable likelihood of compromising or jeopardizing safety and security should be withheld under this policy.

The following information 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:

- A. Architectural, engineering or construction diagrams not otherwise publicly available;
- B. Information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures of Glenwood Municipal Utilities.
- C. Information about alarm and security systems such as key or electronic codes, passwords, wiring diagrams, system specifications, security cameras and security camera footage, electronic door systems and security procedures and planning related to such systems;
- D. Information about security systems governing information technology systems, including hardware, software, passwords and protocols;
- E. Information about specific threats, assessments of specific threats, and plans for addressing specific threats held by Glenwood Municipal Utilities, recognized threat assessment team or other authorized group of individuals;

- F. Information about the location of hazardous materials such as controlled substances, radioactive materials, toxic materials, explosives and other hazardous biological materials;
- G. Information about protocols related to cash, cash handling, cash equivalents and property with unique or extraordinary value;
- H. Assessments of security vulnerability of Glenwood Municipal Utilities, Glenwood Municipal Utilities assets, or systems.

Disclosure of Security Related Information

Security related information may be disclosed to an authorized contractor or other governmental entity when necessary to maintain or improve operations of Glenwood Municipal Utilities.

Fees for Examining and Copying of Public Records

Iowa Code Section 22.3(1) permits a government body to, "adopt and enforce reasonable rules regarding the examination and copying of the records and the protection of the records against damage or disorganization."

Furthermore, Iowa Code Section 22.3(2) states that a government body 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."

Types of Fees

All legal, reasonable expenses for the examination or copying of records shall be paid by the party requesting the records.

Two types of fees may be charged in responding to a public records request - a Labor Service Fee and a Copy Fee.

Labor Service Fee - Supervising Examination of and Copying of Records

Parties requesting records will be charged for the personnel expenses related to the search, retrieval, preparation, copying, and supervision of examination of records. Requestors will be charged the effective hourly wage rate of the staffmember(s) for requests which take more than 30 minutes to fulfill in any one month. The wage rate shall be prorated to the nearest 15 minutes. Hourly wage rates are set annually by Glenwood Municipal Utilities "salary resolution". The Labor Service Fee rate does not include the cost of employee benefits. A requester shall not have the right to request that particular employees perform the services.

Copy Fee

Parties will be charged the applicable fees for requested photocopies and electronic copies. A copy of the fee schedule for copies of records is attached.

Fee Schedule

- Fees for photocopies: \$.25 per page for black and white copies and \$0.50 per page for color copies.
- A fee for records provided on a USB flash drive is \$10.00; USB must be provided by Glenwood Municipal Utilities; Glenwood Municipal Utilities will not accept USBs provided by the requester.
- Postage - Actual cost of postage, if Glenwood Municipal Utilities is requested to mail copies of records, records will be sent via certified mail.
- Routinely prepared or bound reports - Actual cost to produce.
- Special requests for records mapping requests, and other non-traditional methods of providing information may incur additional costs.

Additional Costs

Glenwood Municipal Utilities reserves the right to amend the fee schedule at any time in the event of unanticipated expenses.

Any costs not covered by the above fee schedule shall be charged to the requestor based on the actual costs incurred by Glenwood Municipal Utilities, including but not limited to all amounts charged to Glenwood Municipal Utilities by third parties in connection with the fulfillment of any records request. This may include expenses of legal services utilized for the review and/or redaction of legally protected confidential information.

Prepayment and Advanced Deposits

- A. Parties requesting information will be given an estimated cost of fees to provide said information. The final amount due may vary based on the time and resources required to provide the documents or other unanticipated costs.
- B. If the party is only requesting photocopies which will take less than 30 minutes to provide, the requester shall be provided with a bill for the photocopies, which shall be paid before the photocopies will be released.
- C. If Glenwood Municipal Utilities estimates the fees for the requested services will be greater than twenty-five dollars (\$25.00), Glenwood Municipal Utilities may require the requestor to make an advance deposit to cover all or part of the estimated fees. If a deposit is required, no work will begin on a request until the deposit is received.
- D. Any funds collected by Glenwood Municipal Utilities in excess of the actual fees will be refunded to the requestor in a timely manner. If the actual costs incurred by Glenwood Municipal Utilities to respond to the request are more than the deposit or prepayment amount, Glenwood Municipal Utilities shall charge the requestor for all additional costs.

- E. If any requestor has not paid a previous amount due under this policy, Glenwood Municipal Utilities shall require full payment of the previous amount due plus a full deposit for estimated services before processing a new request.

Cumulative Charges

Charges for responding to public records requests are cumulative to the extent they reflect the actual cost to Glenwood Municipal Utilities. For example, if a one-page document takes 45 minutes to locate and the requestor wants the document copied and mailed, the charges will include labor service charges for 15 minutes of retrieval services (first 30 minutes at no charge); \$0.25 for a black and white photocopy (or whatever the photocopy copy fee is at such time); and the applicable postage charge for certified mail delivery.

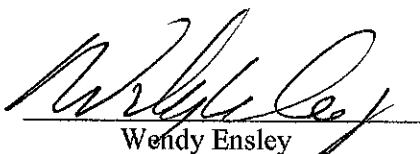
Electronic Media Requests

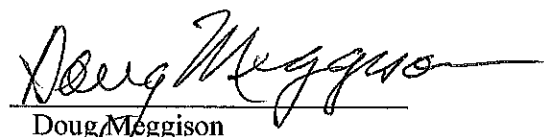
All open record requests that are responded to by electronic media shall be provided in a format that prevents the document from being altered.

DULY PASSED AND APPROVED THIS 15th Day of October 2025

ATTEST:

GLENWOOD MUNICIPAL UTILITIES
BOARD OF TRUSTEES OF
GLENWOOD, IOWA


Wendy Ensley
Executive Secretary


Doug Meggison
Utilities Board Chairperson