

Red Tape Review Rule Report (Due: September 1, 20 23)

Department Name:	City Development Board	Date:	8/31/2023	Total Rule Count:	3
IAC #:	263	Chapter/ SubChapter/ Rule(s):	Chapter 5	Iowa Code Section Authorizing Rule:	22.11, 368.10
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PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

Pursuant to Iowa Code section 22.11, this rules chapter is intended to facilitate broad public access to open records, to facilitate sound determinations by the Board and its staff with respect to the handling of confidential records and the implementation of the Fair Information Practices Act.

Is the benefit being achieved? Please provide evidence.

Yes. The rules chapter outlines the process for requesting open records and the process for requesting confidential treatment of records.

What are the costs incurred by the public to comply with the rule?

Persons requesting open records may incur a cost for the preparation and review of a records request, to the extent that fees are permitted by statute and by this rules chapter. The likelihood of incurring a cost will vary depending on the scope of the request and the compensation of staff involved in the preparation and review of records. Persons requesting confidential treatment of a record may incur costs for the preparation of a request for confidential treatment.

What are the costs to the agency or any other agency to implement/enforce the rule?

Pursuant to Iowa Code section 368.9, the Economic Development Authority (IEDA) provides office space and staff assistance to the board and budgets funds to cover expenses of the board and committees created pursuant to chapter 368. Staff time is required to prepare and review open records requests submitted to the board and to review requests for confidential treatment of records.

Do the costs justify the benefits achieved? Please explain.

No additional costs are imposed by the rules chapter beyond the Board’s statutory obligations in Iowa Code section 22.11.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The board's obligations are imposed by Iowa Code section 22.11. The processes outlined in the rules chapter are no more than necessary to fulfil those obligations.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

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Yes.

The introductory language to the rules chapter should be updated to include the link to the Uniform rules on Agency Procedure and to eliminate unnecessary words.

Rule 263.5.1 should be updated to remove unnecessary words.

Rule 263.5.3 should be updated to remove unnecessary words.

Rule 263.5.6 should be updated to remove unnecessary words.

If the uniform rules are updated, additional updates to the chapter may be warranted.

RULES PROPOSED FOR REPEAL (list rule number[s]):

No rules are proposed for repeal.

***RULES PROPOSED FOR RE-PROMULGATION* (list rule number[s] or include text if available):**

CHAPTER 5
FAIR INFORMATION PRACTICES

The city development board hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to fair information practices which are printed in the first volume of the Iowa Administrative Code and available at <https://www.legis.iowa.gov/docs/publications/ACOD/767408.pdf>.

263—5.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of “(official or body issuing these rules)”, insert “city development board”.

263—5.3(17A,22) Requests for access to records.

5.3(1) Location of record. In lieu of “(insert agency head)”, insert “city development board”. In lieu of “(insert agency name and address)”, insert “City Development Board, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315”.

5.3(2) Office hours. In lieu of “(insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)”, insert “8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays”.

5.3(7) Fees.

c. Supervisory fee. In lieu of “(specify time period)”, insert “two hours”.

263—5.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records. In lieu of “(designate office)”, insert “City Development Board, Iowa Economic Development Authority, 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315”.

These rules are intended to implement Iowa Code section 22.11.

***For rules being re-promulgated with changes, you may attach a document with suggested changes, if available.**

METRICS

Total number of rules repealed:	0
Proposed word count reduction after repeal and/or re-promulgation	21*
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	0*

*Estimated. The reduction in word count and restrictive terms may be impacted by the board’s review of the proposed updates.

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

No.