

COUNTY FINANCE COMMITTEE[547]

Rules transferred from agency number 292 to 547 under the "umbrella" of Management Department pursuant to 1986 Iowa Acts, chapter 1245, section 116.

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CHAPTER 1
DEFINITIONS

[Prior to 5/4/88, see County Finance Committee [292] Ch 1]

547—1.1(333A) Applicability. The following definitions shall be applicable to the rules of the county finance committee.

Committee. The term “committee” refers to the county finance committee established in Iowa Code section 333A.2.

County budget. The term “county budget” refers to the budget adopted by the board of supervisors pursuant to Iowa Code chapter 331.

County official. Members of the committee referred to as “county official” shall be a county officer designated in Iowa Code section 39.17 or a member of the board of supervisors as designated in section 39.18.

These rules are intended to implement Iowa Code section 333A.2.

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CHAPTER 2
ORGANIZATION AND ADMINISTRATION
[Prior to 5/4/88, see County Finance Committee[292] Ch 2]

547—2.1(333A) Description.

2.1(1) Purpose. The purpose of the county finance committee is to administer the provisions of Iowa Code section 333A.2 and to make recommendations to the governor, the general assembly and county officials concerning county budgets and finance.

2.1(2) Membership. The selection, appointment and approval of the county finance committee members are made as provided in Iowa Code section 333A.2. Upon a vacancy on the committee the chairperson shall notify either the governor or legislative council that a new appointment is required.

2.1(3) Officers. The officers of the committee shall consist of chairperson, vice chairperson and secretary.

2.1(4) Subcommittees. The committee may establish temporary subcommittees to research and investigate items of business for the committee. These rules shall govern the deliberations of the subcommittee where applicable. Subcommittee members shall be appointed by the chairperson in conformity to Robert's Rules of Order. Subcommittee members need not be members of the committee. They shall be reimbursed for expenses in the same manner as committee members.

2.1(5) Office location. The director of the office of management shall provide office space, staff assistance and necessary supplies and equipment as provided by law. The Office of Department of Management, State Capitol, Des Moines, Iowa 50319 shall be the official address of the committee.

547—2.2(333A) Meetings.

2.2(1) Organizational meeting. The organizational meeting of the committee shall be held at the call of and at a place designated by the chairperson. The officers shall be elected at such time to serve until their successors are elected.

2.2(2) Other meetings. Meetings may be called by the chairperson of the committee or by joint call of a majority of its members. One week's notice shall be given for such meetings and the notice shall designate the time and place of the meeting.

2.2(3) Conduct of meetings. Meetings of the committee shall be conducted in accordance with Robert's Rules of Order insofar as not incompatible with the laws of the state of Iowa governing this committee or its own resolutions as to its conduct. A quorum shall consist of five members of the committee. A minimum of five affirmative votes shall be required to adopt a motion except to adjourn. The secretary shall record the vote of each member of the committee indicating if the vote was an aye, no or abstention.

547—2.3(333A) Secretary's duties.

2.3(1) Notice of meeting. The secretary shall give advance notice of time and place of each meeting. Such notice must be in accordance with section 28A.4. At least one week prior to the date of a meeting, the secretary shall prepare a tentative agenda for the next meeting of the committee and must distribute this tentative agenda to the persons listed on a mailing list approved by the committee. This agenda shall also list the date, time and place of meeting.

2.3(2) Meeting minutes. The secretary shall keep minutes of all proceedings of each meeting. The minutes will constitute the official record of all actions of the committee. Following each meeting, the secretary shall duplicate the minutes and distribute them to the persons on the approved mailing list.

2.3(3) Secretary pro tem. If the secretary is absent from a committee meeting, the chairperson shall appoint a member of the committee or its staff to act as secretary pro tem.

2.3(4) Mailing list. The secretary shall provide to the committee members a current list of committee members including the members' addresses, telephone numbers and terms of office.

547—2.4(333A) Compensation.

2.4(1) Committee members are to be compensated as provided in Iowa Code section 333A.3.

2.4(2) Reserved.

547—2.5(333A) Adoption, amendment and repeal of administrative rules.

2.5(1) The committee shall adopt, amend or repeal its administrative rules in accordance with the provision of Iowa Code section 17A.4.

2.5(2) Reserved.

547—2.6(333A) Petition for adoption, amendment or repeal of a rule.

2.6(1) Any interested person may petition the committee requesting the adoption, amendment, or repeal of a rule. Such petitions shall be in writing, filed with the committee at its official address. The petition for amendment, repeal, or adoption shall include in separate numbered paragraphs:

a. The name, address and telephone number of the person(s) requesting the adoption, amendment or repeal of a rule.

b. A statement of the proposed rule, amendment, or identification of the rule desired repealed; and

c. A statement of why a rule is being proposed, an amendment to an existing rule desired, or a repeal of an existing rule felt necessary.

2.6(2) Within 60 days of the date of receipt by the committee, the committee will consider the merits of a petition for adoption, amendment, or repeal of a rule, and will either deny the petition in writing stating reasons for the denial or initiate rule-making proceedings in accordance with Iowa Code chapter 17A.

These rules are intended to implement Iowa Code section 333A.2.

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CHAPTER 3
STUDIES AND REPORTS
[Prior to 5/4/88, see County Finance Committee[292] Ch 3]

547—3.1(333A) Description.

3.1(1) In an attempt to provide complete and accurate financial information of county government, all studies, reports and designed forms shall, where practicable, use the recommendations of the national council of governmental accounting; shall be applicable to every county in the state of Iowa; and shall be capable of producing data essential to the general public and the legislative and governing bodies of this state.

3.1(2) Guidelines, comments, recommendations and proposed legislation issued by this committee shall have the approval of not less than five members of the committee.

These rules are intended to implement Iowa Code section 333A.2.

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CHAPTER 4
COUNTY BUDGETS

[Prior to 5/4/88, see County Finance Committee[292] Ch 4]

547—4.1(331) Definitions.

4.1(1) “*Class of proposed expenditures*” means any one of the following 12 major areas of county services:

- a. Public safety.
- b. Court services.
- c. Physical health and education.
- d. Mental health services.
- e. Social services.
- f. County environment.
- g. Roads and transportation.
- h. State and local government services.
- i. Interprogram services.
- j. Nonprogram services.
- k. Debt services.
- l. Capital projects.

4.1(2) “*Sources of revenue from other than property taxation*” means any one of the following eight major sources of county revenues:

- a. Penalties and interest on taxes.
- b. Other county taxes.
- c. Intergovernmental revenues.
- d. Licenses and permits.
- e. Charges for services.
- f. Use of money and property.
- g. Fines, forfeits and defaults.
- h. Miscellaneous revenues.

547—4.2(331) Budget summary.

4.2(1) *Fund type*. The summary of the proposed budget, as required by Iowa Code section 331.434, subsection 3, shall include for each major fund type:

- a. The amount required for each class of proposed expenditures, as defined in subrule 4.1(1).
- b. Property tax levies, estimated credits to taxpayers, and net current and delinquent property taxes.
- c. The amounts anticipated from sources of revenue from other than property taxation, as defined in subrule 4.1(2).
- d. Beginning and ending fund balances.
- e. Other financing sources and uses.
- f. Comparisons of the above amounts with similar amounts for each of the two preceding years.

4.2(2) *Required information in public notice*. If the county board of supervisors intends to certify additions to either of the basic property tax levies under the provisions of Iowa Code section 331.426, the public notice of hearing on the budget must include the additional information required by section 331.426, subsection 2. Such information shall be provided on forms prescribed by the county finance committee through the director of the department of management and must be published in all official newspapers of the county. The publication shall not appear on a page containing classified advertisements or other types of legal notices.

547—4.3(331) Budget supplemental details.

4.3(1) *Reporting forms*. The budget, as required by Iowa Code section 331.434, subsection 1, shall provide supplemental details for county revenues by fund and source, and supplemental details for county

expenditures by fund and function. The county finance committee through the director of the department of management will prescribe the forms to be used for reporting supplemental details.

4.3(2) Worksheets. County budget worksheets shall also indicate the amount of proposed expenditures by department and object.

547—4.4(331) Budget amendments. Any increase in the totals for any class of proposed expenditures, as defined in subrule 4.1(1), after the original budget has been finally adopted, shall require the preparation and adoption of a budget amendment in the same manner as the original budget, as provided in Iowa Code section 331.434. The county finance committee through the director of the department of management will prescribe the forms to be used for budget amendments.

These rules are intended to implement Iowa Code sections 331.426, 331.434 and 331.435.

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CHAPTER 5
ANNUAL FINANCIAL REPORTS
[Prior to 5/4/88, see County Finance Committee[292] Ch 5]

547—5.1(331) Responsibility. The preparation of the reports and plans required under rules 5.2(331), 5.3(331), and 5.4(331) shall be the responsibility of the board of supervisors, appropriately assisted by other county officials and employees.

547—5.2(331) Report summary. The summary of the annual financial report, as required by Iowa Code section 331.403, subsection 1, shall include for each major fund type:

1. The amounts of each class of expenditures, as defined in 541—subrule 4.1(1).
2. Property tax levies, credits to taxpayers, and net current and delinquent property tax collections.
3. The amounts from sources of revenue other than property taxation, as defined in 541—subrule 4.1(2).
4. Beginning and ending fund balances.
5. Other financing sources and uses.
6. Comparisons of the above amounts with budgeted amounts, as amended.

547—5.3(331) Report details.

5.3(1) Report of results of operations. The report of the results of operations, as required by Iowa Code section 331.403, subsection 1, shall provide details for county revenues by fund and source, and details for county expenditures by fund and function.

5.3(2) Report of financial condition. The report of financial condition, as required by Iowa Code section 331.403, subsection 1, shall provide details for the assets, liabilities, and fund balances of the various county funds.

5.3(3) Other details. The committee may prescribe that additional information, including but not limited to details for county expenditures by department and object, shall be included in the report details.

5.3(4) Reporting forms. The committee through the director of the department of management shall prescribe the forms to be used for reporting annual financial report details.

547—5.4(331) Generally accepted accounting principles.

5.4(1) Compliance. The annual financial report summary and report details shall be prepared in conformity with generally accepted accounting principles.

5.4(2) Waiver. In accordance with Iowa Code section 331.403, subsection 3, the committee may waive the requirements of subrule 5.4(1) if a county presents evidence to the committee that it has substantially complied with the following requirements:

a. The committee may grant a waiver for the year ending June 30, 1985, if a county submits to the committee by June 1, 1985, an acceptable plan which incorporates, at minimum:

- (1) A description of an organizational structure to coordinate the implementation of reporting in conformity with generally accepted accounting principles, and
- (2) An analysis of the types of transactions that need to be considered to report in conformity with generally accepted accounting principles, and
- (3) A review of existing accounting systems which addresses system weaknesses affecting conversion to reporting in conformity with generally accepted accounting principles, and
- (4) A discussion of the progress toward compliance with subrule 5.4(1) made by June 1, 1985.

b. The committee may grant a waiver for the year ending June 30, 1986, if a county submits to the committee by June 1, 1986, an acceptable plan which incorporates, at minimum:

- (1) The plan required by subrule 5.4(2), paragraph “a,” and an evaluation of the progress toward the objectives in that plan, and
- (2) A description of the necessary accounting procedures to collect information in a manner that will represent balance sheet reports in conformity with generally accepted accounting principles, and

(3) A description of the necessary accounting procedures to gather needed information and perform end-of-period adjustments to prepare reports in conformity with generally accepted accounting principles.

c. The committee may grant a waiver for the year ending June 30, 1987, if a county submits to the committee by June 1, 1987, an acceptable plan which incorporates, at minimum:

(1) The plan required by subrule 5.4(2), paragraph “b,” and an evaluation of the progress toward the objectives in that plan, and

(2) The report required by subrule 5.3(2), prepared in conformity with generally accepted accounting principles, as of June 30, 1986.

547—5.5(331) Resubmission of plan. If any plan submitted by a county under the provisions of 5.4(2) is determined by the committee to be unacceptable, the county shall submit a revised acceptable plan to the committee within 30 days of being notified by the committee of the deficiencies in the plan.

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CHAPTER 6
PETITIONS FOR RULE MAKING

The County Finance Committee incorporates the petitions for rule making segments of the Uniform Administrative Rules which are printed in the first volume of the Iowa Administrative Code, with the following amendments.

547—6.1(17A) Petition for rule making. In lieu of the words “designate office”, insert “Room 12, State Capitol, Des Moines, Iowa 50319.” In lieu of the words “AGENCY NAME”, the heading on the petition form should read:

BEFORE THE COUNTY FINANCE COMMITTEE

547—6.3(17A) Inquiries. In lieu of the words “designate official by full title and address”, insert “County Finance Committee, Room 12, State Capitol, Des Moines, Iowa 50319.”

[Filed emergency 4/15/88—published 5/4/88, effective 4/15/88]

CHAPTER 7
DECLARATORY ORDERS

The county finance committee incorporates the declaratory orders segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code with the following amendments.

547—7.1(17A) Petition for declaratory order. In lieu of the words “(designate agency)”, insert “committee”. In lieu of the words “(designate office)”, insert “the County Finance Committee, State Capitol, Room 12, Des Moines, Iowa 50319-0015”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE COUNTY FINANCE COMMITTEE

547—7.2(17A) Notice of petition. In lieu of the words “ ___ days (15 or less)”, insert “15 days”. In lieu of the words “(designate agency)”, insert “committee”.

547—7.3(17A) Intervention.

7.3(1) In lieu of the words “within ___ days”, insert “within 15 days”. Strike the words “(after time for notice under X.2(17A))”. In lieu of the number “X.8(17A)”, insert “7.8(17A)”.

7.3(2) In lieu of the words “(designate agency)”, insert “the committee”.

7.3(3) In lieu of the words “(designate office)”, insert “the County Finance Committee, State Capitol, Room 12, Des Moines, Iowa 50319-0015”. In lieu of the words “(designate agency)”, insert “committee”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE COUNTY FINANCE COMMITTEE

547—7.4(17A) Briefs. In lieu of the words “(designate agency)”, insert “committee”.

547—7.5(17A) Inquiries. In lieu of the words “(designate official by full title and address)”, insert “the County Finance Committee, State Capitol, Room 12, Des Moines, Iowa 50319-0015”.

547—7.6(17A) Service and filing of petitions and other papers.

7.6(2) In lieu of the words “(specify office and address)”, insert “the County Finance Committee, State Capitol, Room 12, Des Moines, Iowa 50319-0015”. In lieu of the words “(agency name)”, insert “committee”.

7.6(3) In lieu of the words “(uniform rule on contested cases X.12(17A))”, insert “rule 481—10.12(17A)”.

547—7.7(17A) Consideration. In lieu of the words “(designate agency)”, insert “committee”.

547—7.8(17A) Action on petition.

7.8(1) In lieu of the words “(designate agency head)”, insert “county finance committee”.

7.8(2) In lieu of the words “(contested case uniform rule X.2(17A))”, insert “rule 481—10.1(10A)”.

547—7.9(17A) Refusal to issue order.

7.9(1) In lieu of the words “(designate agency)”, insert “committee”.

547—7.12(17A) Effect of a declaratory order. In lieu of the words “(designate agency)”, insert “committee”.

These rules are intended to implement 1998 Iowa Acts, chapter 1202, section 13.

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CHAPTER 8
AGENCY PROCEDURE FOR RULE MAKING

The County Finance Committee incorporates the agency procedure for rule making segments of the Uniform Administrative Rules which are printed in the first volume of the Iowa Administrative Code with the following amendments.

547—8.5(17A) Public participation.

8.5(1) *Written comments.* In lieu of the words “identify office and address”, insert “County Finance Committee, Room 12, State Capitol, Des Moines, Iowa 50319.”

8.5(5) *Accessibility.* In lieu of the words “(designate office and telephone number)”, insert “the county finance committee at (515)281-5598”.

547—8.6(17A) Regulatory analysis.

8.6(2) *Mailing list.* In lieu of the words “designate office”, insert “County Finance Committee, Room 12, State Capitol, Des Moines, Iowa 50319.”

547—8.10(17A) Exemptions from public rule-making procedures.

8.10(2) *Categories exempt.* In lieu of the words “(List here narrowly drawn classes of rules where such an exemption is justified and a brief statement of the reasons for exempting each of them)”, insert the following:

“a. Rules which are mandated by federal law or regulation in any situation where the department has no option but to adopt specified rules or where federal funding is contingent upon the adoption of the rules;

“b. Rules which implement recent legislation when a statute provides for an effective date which does not allow for the usual notice and public participation requirements;

“c. Rules which confer a benefit or remove a restriction on the public or some segment of the public;

“d. Rules which are necessary because of imminent peril to the public health, safety or welfare; and

“e. Nonsubstantive rules intended to correct typographical errors, incorrect citations, or other errors in existing rules.”

547—8.11(17A) Concise statement of reasons.

8.11(1) *General.* In lieu of the words “specify office and address”, insert “County Finance Committee, Room 12, State Capitol, Des Moines, Iowa 50319.”

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code section 25B.6.

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CHAPTER 9
PUBLIC RECORDS AND FAIR
INFORMATION PRACTICES

The county finance committee hereby adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code.

547—9.1(17A,22) Definitions. As used in this chapter:

“Agency.” In lieu of the words “(official or body issuing these rules)”, insert “county finance committee”. As used in these rules, unless the context otherwise requires, “committee” means the county finance committee and “director” means the director of the department of management.

547—9.3(17A,22) Requests for access to records.

9.3(1) Location of record. In lieu of the words “(insert agency head)”, insert “county finance committee, department of management”, and in lieu of the words “(insert agency name and address)”, insert “County Finance Committee, Department of Management, State Capitol, Des Moines, Iowa 50319”.

9.3(2) Office hours. In lieu of the words “(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. daily, excluding Saturdays, Sundays and legal holidays”.

9.3(7) Fees.

c. Supervisory fee. In lieu of the words “(specify time period)”, insert “thirty minutes”.

547—9.9(17A,22) Disclosures without the consent of the subject.

9.9(1) Open records are routinely disclosed without the consent of the subject.

9.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

- a.* For a routine use as defined in rule 9.10(17A,22) or in any notice for a particular record system.
- b.* To a recipient who has provided the committee with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.
- c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.
- d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last-known address of the subject.
- e.* To the legislative services agency under Iowa Code section 2A.3.
- f.* Disclosures in the course of employee disciplinary proceedings.
- g.* In response to a court order or subpoena.

547—9.10(17A,22) Routine use.

9.10(1) Defined. “Routine use” means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

9.10(2) To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and members of the committee who have a need for the record in the performance of their duties. The custodian of the record may, upon request of any officer or employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Disclosure to the department of inspections and appeals for matters in which it is performing services or functions on behalf of the committee.

d. Transfers of information within the committee to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

e. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the committee is operating a program lawfully.

f. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

547—9.11(17A,22) Consensual disclosure of confidential records.

9.11(1) *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to committee disclosure of confidential records as provided in rule 9.7(17A,22).

9.11(2) *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may, to the extent permitted by law, be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

547—9.12(17A,22) Release to subject.

9.12(1) The subject of a confidential record may file a written request to review confidential records about that person as provided in rule 547—6.6(17A,22). However, the committee need not release the following records to the subject:

a. The identity of a person providing information to the committee need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provisions of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or are otherwise privileged.

c. Peace officers' investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5))

d. As otherwise authorized by law.

9.12(2) Where a record has multiple subjects with interest in the confidentiality of the records, the committee may take reasonable steps to protect confidential information relating to another subject.

547—9.13(17A,22) Availability of records.

9.13(1) *General.* Committee records are open for public inspection and copying unless otherwise provided by rule or law.

9.13(2) *Confidential records.* The county finance committee maintains no records that are considered confidential or that are prohibited from public disclosure.

9.13(3) *Authority to release confidential records.* The committee may have discretion to disclose some confidential records which are exempt from disclosure under Iowa Code section 22.7 or other law.

Any person may request permission to inspect records withheld from inspection under a statute which authorizes limited or discretionary disclosure as provided in rule 547—6.4(24,26). If the agency initially determines that it will release such records, the agency may, where appropriate, notify interested parties and withhold the records from inspection as provided in subrule 9.4(3).

547—9.14(17A,22) Personally identifiable information. The county finance committee does not maintain any records that could be considered personally identifiable.

547—9.15(17A,22) Data processing system. None of the data processing systems used by the agency permit the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

547—9.16(17A,22) Other records. The committee maintains a variety of records which do not generally contain information pertaining to named individuals. The committee maintains the following records, not heretofore listed, which do not generally contain personally identifiable or confidential information: minutes from the committee meetings, guidelines for program budgeting and accounting and preparation of capital improvement plans, studies of county revenues and expenditures, and advice and recommendations to the governor, annually.

547—9.17(17A,22) Applicability. This chapter does not:

1. Require the committee to index or retrieve records which contain information about individuals by that person's name or other personal identifier.
2. Make available to the general public records which would otherwise not be available under the public records law, Iowa Code chapter 22.
3. Govern the maintenance or disclosure of, notification of, or access to, records in the possession of the committee which are governed by the rules of another agency.
4. Apply to grantees, including local governments or subdivisions thereof, administering state-funded programs, unless otherwise provided by law or agreement.
5. Make available records compiled by the committee in reasonable anticipation of court litigation or formal administrative proceedings. The availability of such records to the general public or to any subject individual or party to such litigation or proceedings shall be governed by applicable legal and constitutional principles, statutes, rules of discovery, evidentiary privileges, and applicable rules of the committee.

These rules are intended to implement Iowa Code section 22.11.

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