

ORDINANCE NO. 05 -08

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY FOR THE VILLAGE OF CUSTAR.

WHEREAS, the State Legislature has recently approved legislation that requires public entities within the State of Ohio, including municipalities, to formally adopt a Public Records Policy that meets certain minimum requirements established by state law. Said policy must be written and notice of said policy must be posted in the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CUSTAR, WOOD COUNTY, OHIO:

SECTION 1. That Council does hereby adopt a Public Records Policy setforth hereafter, which Policy shall be posted at appropriate places in the Village and made available on request.

**“VILLAGE OF CUSTAR
PUBLIC RECORD’S POLICY”**

1. Public Records Defined;

In accordance with the Ohio Revised Code and applicable judicial decisions, records are defined as any item that: (i) contains information stored on a fixed medium (such as paper, electronic – including but not limited to email – and other formats); (ii) is created or received by, or sent under the jurisdiction of a public office and; (iii) documents the organization, functions, policies, decisions, procedures, operations or other activities of the Village. Public records are to be considered open to the public at all reasonable times with exceptions only as provided by law.

1.1 Organization and Availability

As required by law, public records will be organized and maintained so that they will be available at all reasonable times. Copies will be made available within a reasonable period of time after a request is received. The Village will maintain a record retention schedule and will provide a copy of the retention schedule on request.

1.2 Posting Public Records Policy

As required by law, the Village Public Records Policy shall be posted in a conspicuous place in the Village Council Meeting Room and at the Village storage building notice board.

2. Record Requests

Each request for public records will be evaluated for response using the following guidelines:

2.1 Request Language; Clarification

No specific language shall be required to make a public record request. The requester, however, must identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the public office or person responsible for the requested records may deny the request, but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which the records are maintained by the public office and accessed in the ordinary course of the public office’s or person’s duties.

2.2 Written Requests Not Required

The requester shall not be required to put a public records request in writing, but may elect to do so. The public official responsible for providing the records can ask the requester to provide identity, contact information, and indicate the intended use of the public records. The requester must, however, be informed at the time such request is made, that such information is not required to be disclosed.

2.3 Form of Records

The requester may elect to have the public records provided as paper copies, or in the same medium as the records are maintained by the public office, including electronic medium, or in any other form the public office or person responsible for the records determines can be reasonably accommodated.

2.4 Times When Records Shall be Made Available

The Village has no employees and maintains no regular business office or office business hours. The Village Finance Officer serves part time and works at home with no fixed or scheduled hours. Taking into consideration those facts, copies of public records must be made available promptly, within a reasonable time. "Prompt" and "reasonable" will take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity of any legal review of the records requested.

2.5 Response Time

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records readily available should be satisfied immediately if possible, taking into account the volume of records requested and personnel available to respond to the request.

2.6 Denial of Records Request

Any denial of public records requested must include an explanation of the legal authority for the denial. If the request was submitted in writing, the denial and explanation must be in writing. If the request was oral, the denial and explanation may be oral. Redaction of information not permitted to be disclosed, such as, but not limited to, social security numbers, or the addresses of police personnel, need not be explained.

3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies. Costs will include the actual cost of mailing or shipping. Copy or duplicating costs will be established by Village Council and are subject to change as Village costs change. No charge shall be made for records maintained by the Village in electronic form and sent to the requester electronically. (Note: Rather than include costs in the written policy, which must be duplicated and posted, council should establish and periodically review cost for paper copies, computer discs, etc. At the seminar I attended, it was emphasized that actual costs do not include personnel time required to respond to records requests. Costs include only costs of paper, supplies, discs etc. Responding to a request electronically, by forwarding the information by email, for example, would not include any costs.)

3.1 Mail and Shipping Charges

Costs will include the actual cost of mailing or shipping. Requester may be asked to pay the cost of copying or duplicating the public records and the cost of mailing or shipping the records before they are released or shipped. If the requester has provided contact information, the public official responding to the request shall contact the requester as soon as costs are determined and inform him of the costs and how they must be paid.

4. E-mail

E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

Section II. This ordinance shall go into effect at the earliest time allowed by law.

PASSED: 5-0

Cheryl A. Spigel
President of Council

ATTEST: Peggy Dewel
Clerk

APPROVED: 7-9-08
Date

Linda Beckstein
Mayor

CHESTER H. MARCIN
VILLAGE LEGAL COUNSEL