

Village of Hiram
Ohio
ORDINANCE 2007 - 35

AN ORDINANCE ESTABLISHING AN OPEN RECORDS POLICY FOR THE VILLAGE OF HIRAM, OHIO AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 149.43 was recently amended by the legislature of the State of Ohio; and

WHEREAS, the amendments to Ohio Revised Code Section 149.43 require that each municipality enact a Public Records Policy; and

WHEREAS, the members of the Village Council wish to enact an appropriate Public Records Policy in compliance with Ohio Revised Code Section 149.43.


NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL FOR THE VILLAGE OF HIRAM, COUNTY OF PORTAGE, STATE OF OHIO, three-fourths of all members elected thereto concurring;

SECTION 1: The Public Records Policy attached hereto and marked for identification as Exhibit "A" is hereby enacted.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby declared to be an emergency measure, effective immediately upon passage and execution by the Mayor, for the reason that the Ohio Legislature has recently amended Ohio Revised Code Section 149.43 and the Council of the Village of Hiram desires to take action immediately in order to assure that the Village of Hiram is in compliance with the newly amended Ohio Revised Code Section 149.43.

1st Reading as an Emergency: December 11, 2007.


Mayor

ATTEST:


Fiscal Officer

I Kay E. Ziska, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2007-35 has been duly posted in the required 5 places.

12/19/07 
Date Fiscal Officer, Village of Hiram

Exhibit "A"

Introduction:

It is the policy of Village of Hiram that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Village of Hiram to strictly adhere to the state's Public Records Act, as outlined in the Ohio Revised Code.

Section 1. Public records

The Village of Hiram, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of Village of Hiram are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of Village of Hiram that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated as needed and posted prominently.

Section 2. Record requests

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

Section 2.1

Although no specific language is required to make a request, the requester must at least 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 records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record.

Section 2.3

Public records are to be available for inspection during regular business hours, which are Monday thru Friday 9am-3pm with the exception of published holidays. Public records are to be made available for inspection as promptly as possible. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), budgets, salary information, forms and applications, personnel rosters, etc.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by the Village of Hiram within three business days following the office's receipt of the request. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement should include the following:

Section 2.4a – An estimated number of business days it will take to satisfy the request.

Section 2.4b – An estimated cost if copies are requested.

Section 2.4c – Any items within the request that may be exempt from disclosure.

Section 2.4d – The actual cost of mailing and/or postage, if mailing is requested.

Section 2.5

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

Section 3. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 3.1 The charge for paper copies is 5 cents per page.

Section 3.2 The charge for downloaded computer files to a compact disc is \$1 per disc. If supplied by the requestor, a factory sealed disc may be substituted.

Section 3.3 There is no charge for documents e-mailed.

Section 3.4 Requesters may ask that documents be mailed to them. In addition to the charge for copying, mail requests will be charged the actual cost of the postage and mailing supplies.

Section 3.5 Payment must be made by check, money order, or bank draft. No cash will be accepted.

Section 4. E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats.

Section 4.1 – Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian.

Section 4.2 – The records custodian is to treat the e-mails from private accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.