

VILLAGE OF RUSSIA, OHIO

ORDINANCE NO. 13-16

AN ORDINANCE ESTABLISHING A PUBLIC RECORDS
POLICY IN ACCORDANCE WITH OHIO REVISED CODE
SECTION 149.43(E)(1), AND DECLARING THE
SAME TO BE AN EMERGENCY

WHEREAS, the members of the Council of the Village of Russia seek to adhere to the laws set forth in the Ohio Public Records Act; and

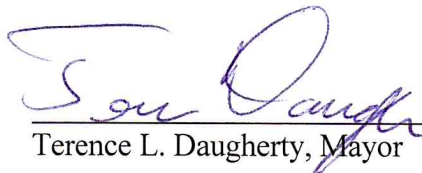
WHEREAS, there is need for a public records policy to be conspicuously posted in the Village Office and distributed to all Village employees in accordance with ORC §149.43;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSSIA, OHIO, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS ELECTED THERETO CONCURRING:

Section 1: That the Village of Russia, Ohio, has adopted the Public Records Policy in the form attached hereto as Exhibit "A".

Section 2: That this Ordinance be declared to be an emergency Ordinance necessary for the preservation of the public peace, health, and safety of the Village, and to provide for the immediate organization and maintenance of the Village's public records in accordance with Ohio law; and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor.

Passed this 11th day of December, 2013.



Terence L. Daugherty, Mayor

ATTEST:



Mary Jo Voisard, Village Fiscal Officer

EXHIBIT "A"

VILLAGE OF RUSSIA, OHIO PUBLIC RECORDS POLICY

SECTION 1 PUBLIC RECORDS

Section 1.1 Definition.

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

Section 1.2 Organization and Maintenance.

It is the policy of the Village of Russia that, as required by Ohio law, public records will be organized and maintained so that such records are readily available for inspection and copying. Record retention schedules are to be updated regularly and available at the Village offices located at 232 West Main Street, Russia, Ohio 45363, a location that is readily available to the public as required by Ohio Revised Code Section 149.43(B)(2).

SECTION 2 PUBLIC RECORDS REQUESTS & RESPONSES

Section 2.1 Evaluation of a Public Records Request.

Each request for public records should be evaluated for a response using the guidelines set forth in this Section 2.

Section 2.2 Identification of Public Records Request.

Although no specific language is required to make a request for public records, the requester must at least identify the records requested with sufficient clarity to allow the Village of Russia to identify, retrieve, and review the records. If it is not clear what records are being sought, the custodian of the public records 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 Village of Russia keeps its public records.

Section 2.3 Method of Public Records Request and Identity of Requestor.

The requestor does not have to put a public records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. The general policy of the Village of Russia is that this information is not to be requested. However, the law does permit the Village to ask for a written request, the requestor's identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the ability of the Village to identify, locate, or deliver the public records that have been requested; and (2) after telling the requestor that a written request is not required and that the requester may decline to reveal the requestor's identity or intended use.

Section 2.4 Availability of Public Records for Inspection and Production of Copies.

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. 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.

In processing the request, the Village of Russia does not have an obligation to create new records or perform new analysis of existing information. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering, or querying. Although not required by law, the Village may accommodate the requestor by generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, a Village employee must accompany the requester during inspection to make certain original records are not taken or altered.

Section 2.5 Time Constraints for Satisfying Public Records Requests.

Each request should be evaluated for an estimated length of time required to gather the records. If feasible, routine requests for records should be satisfied immediately. 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. If records containing fewer than 20 pages are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these record requests should be satisfied as quickly as possible.

All requests for public records must either be satisfied or be acknowledged in writing by the Village within three business days following the receipt of the request. If a request will not be satisfied within three business days, the acknowledgement must include the following:

- A request for clarification (if necessary)
- An estimated cost if copies are requested
- An estimated timeframe for satisfaction of the request

Section 2.6 Denial of Public Records Requests.

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Village.

Any denial of public records requested must include an explanation, including legal authority. If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the remainder of the record is to be released. When making public records available for public inspection or copying, the Village shall notify the requestor of any redaction or make the redaction plainly visible. If there are any redactions, each redaction must be accompanied by a supporting explanation, including legal authority.

SECTION 3 COSTS FOR OBTAINING COPIES OF PUBLIC RECORDS

Section 3.1 Charges for Copies and Postage.

Those seeking public records will be charged only the actual cost of making copies, as follows:

- The charge for paper copies is 25 cents per page.
- The charge for downloaded electronic files to a compact disc is \$2 per disc.
- There is no charge for documents e-mailed.

A requester may be required to pay in advance for costs involved in providing the copy.

Section 3.2 Choice of Medium.

The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the Village determined that the record can reasonably be duplicated as part of the Village's normal operations.

Section 3.3 Mailing Costs.

If a requester asks that documents be mailed, the requester will be charged the actual cost of the postage and mailing supplies.

SECTION 4 ELECTRONIC RECORDS

Section 4.1 Definition of Electronic Records as Public Records.

Documents in electronic format (including, but not limited to, emails, text messages, and instant messages sent and received via computer or hand-held communications devices) are public records as defined by the Ohio Revised Code when their content relates to the operations or activities of the Village. Electronic records are to be treated in the same fashion as records in other formats and should follow the same record retention schedules.

Section 4.2 Private Accounts or Personal Devices Holding Public Records.

Public records transmitted to or from private accounts or personal devices used to conduct public business are subject to disclosure. All employees or representatives of the Village are instructed to retain their e-mail records and other electronic records that relate to public business and to copy such records to their Village accounts and/or to the Village's records custodian.

Section 4.3 Duties of the Records Custodian in Managing Private Accounts.

The records custodian is to treat the e-mail records and other electronic records from private accounts that relate to public business of the Village as public records, filing such records in the appropriate way, retaining such records per established schedules and making such records available for inspection and copying in accordance with the Public Records Act.

SECTION 5 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

Section 5.1 Legal and Non-Legal Consequences.

The Village of Russia recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, failure to comply may also result in a court ordering the Village to comply with the law and to pay the attorney's fees and damages of the requestor.