

RECORD OF RESOLUTION

Resolution No. 2020-R-05

Passed July 27, 2020
YEAR

VILLAGE COUNCIL OF NORTH FAIRFIELD, OHIO
RESOLUTION NO. 2020-R- 05

PUBLIC RECORDS REQUEST POLICY
RC 149.43(E)(2)

A RESOLUTION ADOPTING A PUBLIC RECORDS REQUEST POLICY PROVIDING FOR AVAILABILITY OF PUBLIC RECORDS FOR INSPECTION AND COPYING; AND FOR RESPONDING TO PUBLIC RECORDS REQUESTS

WHEREAS, Section 149.43(E)(2) of the Ohio Revised Code provides that all public offices shall adopt a public records policy in compliance with this section for responding to public records requests.

WHEREAS, Section 149.43(E)(2) of the Ohio Revised Code further provides that in adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general; and

WHEREAS, the Fiscal Officer reports that she has located a document that is titled VILLAGE OF NORTH FAIRFIELD, OHIO PUBLIC RECORDS POLICY but has been unable to locate documents to determine the date of the policy and further unable to locate documents to determine or whether or not the policy was adopted; and

WHEREAS. The Records Management Committee of Village Council met on June 29, 2020 and reviewed the Public Records Policy proposed herein and recommends its adoption.

NOW THEREFORE, BE IT RESOLVED, BY COUNCIL, THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF NORTH FAIRFIELD, STATE OF OHIO, (RC 731.18) to wit:

SECTION 1. That Village Council hereby adopts the following written Public Records Request policy:

*VILLAGE OF NORTH FAIRFIELD, OHIO
PUBLIC RECORDS REQUEST POLICY
RC 149.43(E)(2)*

*MODEL PUBLIC RECORDS REQUEST POLICY
[Source Ohio Attorney General]*

RECORD OF RESOLUTION

Resolution No. 2020-R-05 Passed July 27, 2020
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MISSION STATEMENT

*Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of **The Village Of North Fairfield, Ohio** to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.*

DEFINING PUBLIC RECORDS

*A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of **The Village Of North Fairfield, Ohio** that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.*

A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

*It is the goal of **The Village Of North Fairfield, Ohio** that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.*

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to

RECORD OF RESOLUTION

Resolution No. 2020-R-05

Passed July 27, 2020
YEAR

allow the office to identify, retrieve, and review the records.

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(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.

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

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required

RECORD OF RESOLUTION

Resolution No. 2020-R-05

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YEAR

to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then 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 office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). 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 may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

*Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is **five cents (\$0.05)** per page. The charge for electronic files downloaded to a compact disc is **one dollar (\$1.00)** per disc.*

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

RECORD OF RESOLUTION

Resolution No. 2020-R-05

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MANAGING RECORDS

The Village Of North Fairfield, Ohio's records are subject to records retention schedules. The office's current schedules are available at Village of North Fairfield, Village Hall, 3 E. Main Street, North Fairfield, Ohio 44855, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

Effective the 27 day of July, 2020 by Resolution No.: 2020-R-05.

SECTION 2. Any and all previous public records policies are hereby rescinded and repealed.

SECTION 3. The clerk is instructed to compile and organize this and all active village policies into a manual or handbook of its general policies and procedures and reference the contents with a table of contents.

SECTION 4. As required by Section 149.43(E)(2) of the Ohio Revised Code, the Fiscal Officer shall distribute the public records policy adopted herein to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

SECTION 5. PUBLIC MEETING. That it is found and determined that all formal actions of this public body concerning or relating to the passage of this Resolution / Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

WHEREFORE, this legislation shall be in full force and effect from and after the earliest period allowed by law.

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PASSED AND ADOPTED on this 27 day of July, 2020.

AUTHENTICATION and ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

Joseph R. Rockliffe
MAYOR

Shelley Cherry
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 4 NAYS: 0 ABSTAIN: 0

First Reading: June 29, 2020
Second Reading: July 14, 2020 [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]
Third Reading: July 27, 2020 [may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2)]

APPROVED AS TO FORM:

[Signature]
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING

(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority (See Ord 2019-O-12) for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Fiscal Officer Office, 3 East Main St., North Fairfield, Ohio; and
- 2) North Fairfield Village Hall, 3 East Main St., North Fairfield, Ohio; and
- 3) North Fairfield Public Library, 5 East Main St., North Fairfield, Ohio; and
- 4) North Fairfield Post Office, 1 North Main St., North Fairfield, Ohio; and
- 5) Electronically online at official Village website

Shelley Cherry
FISCAL OFFICER