

ORDINANCE NO.07-81 AC CMS

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY FOR THE CITY OF OBERLIN, OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Sub H B 9 was recently approved by the Ohio General Assembly which made certain changes to the Ohio Public Records Act, and

WHEREAS, as a part of those changes Ohio Municipalities, among other governmental entities, must adopt a formal Public Records Policy.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring

SECTION 1 That the attached Public Records Policy for the City of Oberlin, Ohio, is duly approved and adopted

SECTION 2 It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption 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. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit

“to adopt a Public Records Policy for the City of Oberlin, Ohio, at the earliest possible date in order to timely comply with recently enacted State legislation,”

and shall take effect immediately upon passage

**PASSED. 1st Reading – 10/01/07 (E)
2nd Reading –
3rd Reading –**

ATTEST:

Belinda B. Anderson

Belinda B. Anderson
CLERK OF COUNCIL


Daniel Gardner
PRESIDENT OF COUNCIL

POSTED 10/02/2007

EFFECTIVE 10/02/2007

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CITY OF OBERLIN, OHIO PUBLIC RECORDS POLICY

Introduction

It is the policy of the City of Oberlin, Ohio, that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City of Oberlin, Ohio, to strictly adhere to the state's Public Records Act.

Section 1. Public Records

The City of Oberlin, 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 are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the City of Oberlin that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy).

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 City 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 requester of the manner in which the City office involved 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. It is the City's general policy that this information is not to be requested.

Section 2.3

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.

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. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see above) or be acknowledged in writing by the City within five (5) business days following the City'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 acknowledgment must include the following:

- An estimated number of business days it will take to satisfy the request
- An estimated cost if copies are requested
- Any items within the request that may be exempt from disclosure

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 or City supplied compact discs shall be in accordance with the City's current fee schedule, a copy of which is on file with the City Clerk

Section 3.2

There is no charge for documents e-mailed

Section 3.3

Requesters may ask that documents be mailed to them They will be charged the actual cost of the postage and mailing supplies

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 and should follow the same retention schedules

Section 4.1

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City of Oberlin 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 City'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 Public Records Act