

VILLAGE OF OTTOVILLE, OHIO

RESOLUTION NO. 2011-12

RESOLUTION ADOPTING PUBLIC RECORDS POLICY

WHEREAS, the Village of Ottoville, Ohio, would like to adopt a public records policy as per H.B.9, consistent with the premise that government at all levels exists first and foremost to service the interests of the residents, it is the mission of the Village of Ottoville, and intent at all times to fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meetings Act;

WHEREAS, in order to accomplish the mission of fully complying with both the letter and the spirit of the Open Records and Open Meetings Acts, the Village of Ottoville does hereby adopt the following Statement of Principles:

1. Will ensure that all personnel become and remain fully trained and aware of the provisions of the acts;
2. Will adopt policies that encourage employees to immediately report incidents of non-compliance with the acts that they may observe;
3. Will do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;
4. Will do everything possible to aid those who are seeking information, including but not limited to fully explaining the scope and operation of the acts and assisting citizens in the formulation of requests;
5. Will construe the provisions of the acts in a manner that favors compliance with requests for information;
6. Will seek guidance from the office of the Ohio Attorney General whenever a question arises about the application of the acts or about the appropriateness of a request for information;
7. Will clearly and concisely state the reason or reasons why a request for information has been denied.

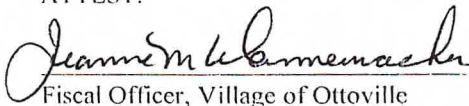
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF OTTOVILLE, STATE OF OHIO, OR TWO-THIRDS CONCURRING THERETO, THAT:

SECTION 1. The Village of Ottoville does hereby adopt the Statement of Principles as listed above and Public Records Policy, attached as Exhibit A, in accordance with State of Ohio H.B. 9 – Public Records Act.

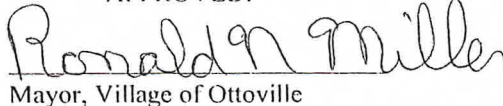
SECTION 2. That it is found and determined that all formal actions of this Council concerning or relating to the passage of this Resolution were passed in a open meeting of this Council and that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Dated: 7-25-2011

ATTEST:


Fiscal Officer, Village of Ottoville

APPROVED:


Mayor, Village of Ottoville

VILLAGE OF OTTOVILLE

PUBLIC RECORDS POLICY

INTRODUCTION:

It is the policy of the Village of Ottoville that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village of Ottoville, Ohio, to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 1. PUBLIC RECORDS

This office, 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 the Village of Ottoville are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the Village of Ottoville 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). Record retention schedules are to be updated regularly 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 requester in revising the request by informing the requester 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. It is this office's general policy to recommend requests be made in writing, but not required.

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 Section 2.4) or be acknowledged in writing by the Village of Ottoville 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 must 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 of copies are requested.

Section 2.4c – 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 – COST OF PUBLIC RECORDS

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

Section 3.1 – The charge for paper copies as follows: the first five pages are free, 25 cents per page afterwards.

Section 3.2 – The charge for downloaded computer files to a compact disc is \$1.00 per disc.

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

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 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 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.

Section 5 – FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

The Village of Ottoville 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, the Village of Ottoville's failure to comply with a request may result in a court ordering the Village of Ottoville to comply with the law and to pay the requester attorney's fees and damages.