

# RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES (644) 224-3338 FORM NO. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

## AMENDED ORDINANCE NO. 1234-23

AN ORDINANCE TO REPEAL A PRIOR PUBLIC RECORDS POLICY AND TO ENACT A NEW AND UPDATED PUBLIC RECORDS POLICY AND DECLARING AN EMERGENCY IN THE VILLAGE OF RUSHSYLVANIA, OHIO

WHEREAS the Council of the Village of Rushsylvania, Ohio seeks to repeal its public records policy and to enact a new and updated public records policy for the village of Rushsylvania, Ohio.

NOW, THEREFORE, be it ORDAINED by the Council of the Village of Rushsylvania, Ohio, that the text set forth in the following Public Records Policy shall be adopted as the same for the Village of Rushsylvania, Ohio:

**ARTICLE I:** That all Ordinances heretofore passed by the Council of the Village of Rushsylvania, Ohio, providing for a Public Records Policy for the Village of Rushsylvania Ohio be, and the same hereby are, repealed and replaced as follows.

### ARTICLE II:

#### VILLAGE OF RUSHSYLVANIA, OHIO

#### PUBLIC RECORDS POLICY

##### INTRODUCTION:

It is the policy of the Village of Rushsylvania, Ohio, (hereinafter the "Village" or "Rushsylvania") that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of Rushsylvania to strictly adhere to the state of Ohio'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**

Rushsylvania, 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 Rushsylvania are public unless they are specifically exempt from the disclosure under the Ohio Revised Code, the Ohio Rule of Evidence, any rules promulgated by the Supreme Court of Ohio, or established Ohio caselaw.

##### **Section 1.1**

It is the policy of Rushsylvania that, as required by Ohio law, records will be organized and maintained by the records custodian 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:

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## 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 shall attempt to contact the requester for clarification, and should attempt to 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 their identity or the intended use of the requested public record. It is the general policy of the Village that this information is not to be requested.

## Section 2.3

Public records are to be available for inspection by appointment, as Rushsylvania does not maintain regular business hours. Such appointment shall be scheduled by the records custodian or other Rushsylvania official as soon as possible after a request. All reasonable attempts should be made for prompt inspection of public records upon request. Copies of public records shall 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 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 or be acknowledged in writing by the Village within three business days following 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

If copies are requested, an estimated cost.

### Section 2.4c

Any items within the request are 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 for Public Records

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

### Section 3.1

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The charge for paper copies is .10 cents per page.

## Section 3.2

The charge for downloaded computer files to a flash drive or other small electronic data storage device is to be no more than \$20. This device can be supplied by the requestor for no charge.

## Section 3.3

There is no charge for documents e-mailed, unless the compilation of the documents to be emailed requires the expenditure of resources.

## Section 3.4

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

## Section 4. Email

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 copy them to their business e-mail accounts and/or to the Village 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.

## Section 5. Failure to Respond to a Public Request

Rushsylvania 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, Rushsylvania's failure to comply with a request may result in a court ordering compliance under the law and to pay the requester attorney's fees and damages.

## Section 6. Public Records Custodian

The Village Fiscal Officer will also serve as the Records Custodian.

**ARTICLE III:** Each section and each part of each section of this ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision of other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this ordinance would have been adopted independently of such section, sections, or parts of a section so held to be invalid.

**ARTICLE IV:** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**ARTICLE V:** That this Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of said City, provide for its continuous un interrupted services,

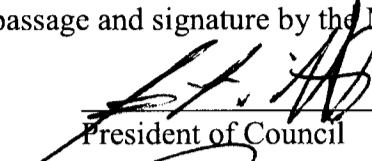
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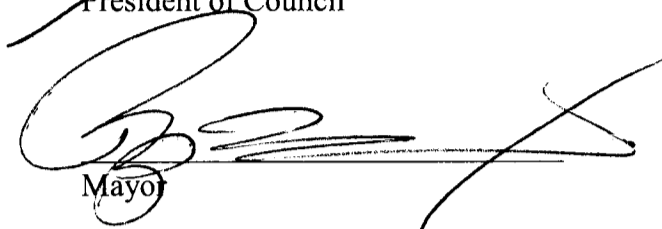
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and to allow for said contract to be entered into at the earliest possible time; and it shall, therefore, be in force and take effect immediately upon its passage and signature by the Mayor.

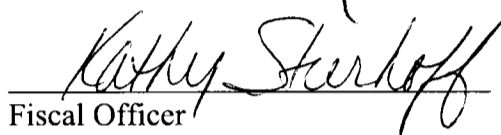
PASSED: 7-10-23

  
\_\_\_\_\_  
President of Council

APPROVED: 7-10-23

  
\_\_\_\_\_  
Mayor

ATTEST: 7-10-23

  
\_\_\_\_\_  
Fiscal Officer

I, Kathy Stierhoff, Fiscal Officer of the Village of Rushsylvania, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance 1234-23 Passed by Council of said Village on the 10 day of July, 2023.

  
\_\_\_\_\_  
Fiscal Officer