

**VILLAGE OF HARTVILLE
ORDINANCE NO. 1-11.26**

ORDINANCE NO. 1-11.26, repealing and replacing Ordinance 1-10.30, and adopting an ordinance establishing the Public Records Policy for the Village of Hartville (“Village”), and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE, STARK COUNTY, OHIO:

Section 1. Findings and Determinations. The Village finds and determines the following matters:

- a) It is the policy of the Village to strictly adhere to the state’s Public Records Act.
- b) All formal actions of this Council relating to the enactment of the Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 2. Definition

Records. The Village, 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 are public unless they are specifically exempt from disclosure under the Ohio Revised Code, including R.C. 149.43.

Section 3 Record Retention. It is the policy of the Village, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently

Section 4 Record requests. 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 requestor in revising the request by informing the requestor of the manner in which the office keeps its records. The records request does not have to be in writing, nor does the requester have to provide his or her identity or the intended use of the requested public record, if they choose not to.

Section 5 Hours for Inspection. 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 6 Response Time. 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. If more than 20 pages of copies are requested, an appointment should be made with the requester on a date when the copies or computer files can be reviewed and/or received.

Requests for public records must either be satisfied within a reasonable time, unless the scope of the request requires additional time. If a request is deemed significantly beyond Routine, such as seeking a voluminous number of copies or requiring extensive research, the Village shall provide an estimated number of business days it will take to satisfy the request; the estimated cost if copies are requested; and to advise if any items within the request that may be exempt from disclosure.

Section 7 Explanation of Denial of Request. 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 8 Costs for Public Records. Those seeking public records will be charged only the actual cost of making copies, and may be required to pay same in advance. The schedule is as follows:

- Standard size paper copy charges is \$.10 per page.
- Enlarged/Oversized paper document charged at actual rate of vendor
- Downloaded computer files to a disk, CD/DVD are \$2 per disc.
- Audio tapes/electronic recordings/photographs charged at actual rate of vendor
- Postage/ mailing costs at actual rate and charge
- No charge for documents e-mailed (unless a fee is incurred to convert the same)

Section 9 Repeal of Inconsistent Ordinances. Because they are inconsistent with this Ordinance, all previous ordinances establishing a public records policy and/or setting a cost schedule for such records, including but not limited to Ordinance No. 1-10.30, are repealed as of the effective date of this Ordinance.

Section 10 Effective Date. This Ordinance is declared to be an emergency measure, necessary for the immediate preservation of the public health, safety and welfare, and necessary to set appropriate policies for compliance with Ohio's public records laws and shall take effect and be in full force at the earliest time allowed by law.

DATED: September 6, 2011


Edsel Tucker, Mayor

ATTEST:


Scott K. Varney, Village Fiscal Officer