

RESOLUTION NO. 2007-71

**A POLICY RESOLUTION RELATIVE
TO PUBLIC RECORDS.**

ADMINISTRATION POLICY NUMBER 2007-101-01

BE IT RESOLVED by the Council of the City of Clyde, State of Ohio:

WHEREAS, it is the policy of the City of Clyde 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 Clyde 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

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

- A. It is the policy of the City of Clyde 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. RECORDS REQUESTS

Each request for public records should be evaluated for a response using the following guidelines:

- A. Although no specific language is required to make a request, the requestor 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 requestor 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.
- B. The requestor 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 of Clyde's general policy that this information is not to be requested.

- C. 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.
- D. 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 (in both draft and final form), budgets, salary information, forms and applications, personnel rosters, etc. If fewer than twenty (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 City of Clyde 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:

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

- E. 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.

- A. There is no charge for the first twenty-five (25) paper copies. The charge for twenty-six (26) or more paper copies is five cents (\$.05) per page. Prepayment is required.
- B. The charge for downloaded computer files to a compact disc is one dollar (\$1.00) per disc. Prepayment is required.
- C. There is no charge for documents e-mailed.

Requestors may ask that documents be mailed to them. Prepayment required for 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.

- A. Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the City of Clyde 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 of Clyde's records custodian.
- B. The records custodian is to treat the e-mails from private accounts as records of the City of Clyde, 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 PUBLIC RECORD REQUEST

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

SECTION 6. That any Ordinances, Resolutions or contractual provisions inconsistent with this legislation are hereby repealed to the extent of any such inconsistency.

SECTION 7. That this Resolution shall take effect immediately upon its passage.

Passed: October 2, 2007

Nina Pascua, Mayor