

**COUNCIL OF THE
VILLAGE OF HIGHLAND HILLS**

ORDINANCE NO. 2024-23

For the March 13, 2024
Council Meeting

Introduced by: Council President Cassanda Pride
Supported by: Councilpersons Greene, Mills,
McManus and Wright

**AN ORDINANCE TO APPROVE THE REVISED PUBLIC RECORDS POLICY, AND
DECLARING AN EMERGENCY.**

WHEREAS, ORC 143.43 requires that a municipality have a public records policy, and

WHEREAS, Council originally adopted the Village Public Records Policy in 2009 and said policy is in need of revisions, and

WHEREAS, The Law Director submitted a revised Public Records Policy as set forth in Exhibit A attached hereto and same was reviewed by the Council Finance Committee, and said committee recommended approval of the revised policy.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
HIGHLAND HILLS, OHIO:**

Section 1: That the Village Public Records Policy is hereby revised as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2: The Public Records Policy shall be disseminated to each Village Department, Board or Commission and a copy shall be made available to the public upon request. Said policy shall also be uploaded and available for review or download on the Village website.

Section 3: Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an orderly meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: This Ordinance is declared to be an emergency measure necessary to provide for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Highland Hills, and for the reason that said policy is required by Ohio law and it is necessary to update and revise the policy according to current conditions within the Village and provided it receives the affirmative vote of two-third (2/3) of all members elected to Council, it shall take effect and be in force from and after the earliest period allowed by law.


Ordinance No. 2024-23
For March 13, 2024
Council Meeting
Page 2 of 2

Passed in Council this 13th day of March, 2024.


First Reading Second Reading _____ Third Reading _____

Vote: Pride yea ___ nay ___ Greene yea ___ nay ___ Mills ^{passed} yea ___ nay ___
McManus yea ___ nay ___ Wright yea ___ nay ___


Cassandra Pride 3-13-24
President of Council Date

Attest: 
Margaret Sikon, Clerk of Council 3/13/24
Date

Filed with the Mayor: 3/15/24
Date

Approved By: 
Michael L. Booker, Mayor 3/15/24
Date

2024-23

VILLAGE OF HIGHLAND HILLS, OHIO
OHIO PUBLIC RECORDS POLICY

Introduction:

This Public Records Policy is adopted by the Council of the **Village** of Highland Hills as required by Ohio House Bill 9, effective September 29, 2007 as amended from time to time.

Section 1. Public Records Custodian.

Each Village Department Director shall designate one person in the Department as the "Public Records Custodian." Such designation shall be transmitted in writing to the Mayor for approval. The Mayor shall keep a record of all persons designated as Public Records Custodians in each department including all certificates for training as required by HB 9. Each department director shall keep a record of such designation and certificates of training. Hereinafter, all reference to the Public Records Custodian shall mean and include the person who holds such designation for the respective department to which a public records request is submitted.

All requests for public records must be directed to the Public Records Custodian of the appropriate Village Department. Public records requests made to a department that does not maintain the record(s) being sought shall be rejected and the requestor referred to the appropriate department. Requests made to one department that involve documents in more than one department shall be referred by the Public Records Custodian who received the initial request to all other appropriate departments. The person making the request shall be notified which other departments will be receiving the request.

The Public Records Custodian shall be that person designated and approved by the **Mayor** who is authorized to respond to or to fulfill any public records request. Any public records request made to any other employee, officer or representative of the **Village** shall not be considered as a properly made request, and any response made by any other employee, officer or representative of the **Village** is unauthorized under this policy. The **Mayor**, with input from the Department Director, may designate an Acting Public Records Custodian to serve in the absence of the designated Public Records Custodian.

Section 2. Requests during Business Hours Only

Requests made in person must be done during regular business hours, defined herein as 8:30 a.m. to 4:30 p.m. weekdays, excluding Saturdays, Sundays, and holidays. All public record requests made in person shall adhere to this requirement even if the public office, e.g. the division of police, is operated on a twenty-four (24) hour basis. Requests made via fax or email after business hours will be reviewed the following business day.

Section 3. Public records

For the purposes of this Policy, the terms “records” and “public records” shall have the meanings set forth in Ohio Revised Code Chapter 149, as amended from time to time. A “record” is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Village that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A “public record” is a “record” that is being kept by the Village and/or its various departments, boards or commissions or specific agents at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. The Village will make every effort to organize and maintain all public records in such a way that they can be made available for inspection and copying.

There is no central repository of records at the Village. Each Department will keep its separate records of its operation and has a separate records retention schedule. It is not possible to designate one person to respond to all requests for records. Rather some requests may require transmission of the request to several departments for research and response.

Section 3.1 Organization of Public Records

The Director of each Department, the Chair of each Board or Commission, the Administration, with the approval of the Mayor, the Village Council Office with the approval of the President of Council, shall establish an appropriate departmental policy(ies) that require all records of the respective **Village** Department, Board, Commission or Council will be organized and maintained so that they are readily available for inspection and copying. The **Village’s** record retention schedule(s) may be amended from time to time at the discretion of the Village Records Commission.

Section 4. Public Record Requests

4 A RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. When inspection of public records is requested, 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of the Village, but not a mandatory time frame, that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office’s receipt of the request.

4 B. HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

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(s). It is the Village's general policy that this information is not to be requested. However, the law does permit the Village to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

4 C. ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

4 D. DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the

request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

4 E. COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is .05 cents per page. The charge for electronic files downloaded to a compact disc is \$1.00 per disc.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

4 F. MANAGING RECORDS

The Village's records are subject to records retention schedules. The office's current schedules are available at 3700 Northfield Road, Highland Hills, Ohio 44122, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).