

Village of Bentleyville Public Records Policy

It is the policy of the Village of Bentleyville 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 Bentleyville 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. To facilitate this policy and to oversee compliance with the ORC, Council appoints its Fiscal Officer as Records Custodian for all legislative-related records and requires the Mayor to designate and identify an employee in the Administration as Records Custodian and Coordinator for all administrative departments.

(a) Public records.

(1) This Community 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 Bentleyville are public unless they are specifically exempt from disclosure under the Ohio Revised Code. (See ORC 149.43, attached to Ordinance 2007-25 as Appendix I.)

(2) It is the policy of the Village of Bentleyville that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See subsection (d) below for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

(b) Record requests. Each request for public records should be evaluated for a response using the following guidelines:

(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 requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

(2) In order to enhance this community's ability to comply with the requestor's intended request, the request may be suggested to be put in writing, the requestor identified, and the intended use explained. However, the requestor must be simultaneously advised that they do not have to put the records request in writing, and do not have to provide his or her identity or the intended use of the requested public record, if they choose not to.

(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.

Members of the municipal council should have a copy of the proposed agenda no later than the Friday prior to the scheduled council meeting. Having the agenda well in advance allows members opportunity prior to the meeting to seek answers to questions on topics to be considered. Thus, the municipal council will operate more smoothly, the members are better informed, fewer items are deferred until the next meeting for further study, and the meetings are shorter. Moreover, when the representatives of the news media are supplied with copies of the proposed agenda, the public will be kept better informed of proposed actions, and greater public participation may result.

Revised March 2007

(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 twenty 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.

A. If more than twenty 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.

B. All requests for public records must either be satisfied (see subsection (4)) or be acknowledged in writing within five 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.

(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.

(c) Costs for Public Records. Those seeking public records will be charged only the actual cost of making copies and will be required to pay same in advance.

(1) The charge for paper copies is five cents (\$0.05) per page for requests exceeding twenty pages.

(2) The charge for downloaded computer files to a compact disc is two dollars (\$2.00) per disc.

(3) There is no charge for documents e-mailed.

(4) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies. If the documents are not able to be mailed due to size or volume as delineated by U. S. Mail regulations, the requestor must arrange for pick up at the Municipal Center unless the requestor approves and pays for delivery via a private delivery service.

(d) 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.

(1) Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this Community are instructed to retain their e-mails that relate to public business (see subsection (a) Public Records) and to copy them to their business e-mail accounts and/or to the office's records custodian unless otherwise exempted under the ORC.

(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.

(3) Voicemail is not a public record unless it is of such significance that an employee would normally retain it to document or verify a significant act on behalf of the public's business and is not otherwise documented elsewhere. In which event, the employee is recommended to transfer such voice mail to an email storage location, or have it transcribed for the appropriate event file, then erased.

(e) Failure to respond to a public records request. The Village of Bentleyville 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 Bentleyville's failure to comply with a request may result in a court ordering the Village of Bentleyville to comply with the law and to pay the requestor's attorney's fees and damages.

(Ord. 2007-25. Passed 11-28-07.)