

RESOLUTION NO: 2007-078

LAKE METROPARKS

INTRODUCED BY: Mr. Polivka

CONCORD, OHIO

WHEREAS, House Bill 9 amended the Ohio Public Records Law; and

WHEREAS, the Public Records Law generally requires every public office to prepare promptly all public records and make them available for inspection at all reasonable times during regular business hours; and

WHEREAS, the Public Records Law requires all public offices to adopt a policy for responding to public records requests; and

WHEREAS, Lake Metroparks wishes to comply with House Bill 9,

NOW, THEREFORE, BE IT RESOLVED by the Board of Park Commissioners to adopt the attached Public Records policy.

Seconded by: Mrs. Kessler

Ayes: 2

Nays: 0

Passed: unanimously

BOARD OF PARK COMMISSIONERS  
LAKE METROPARKS



Ellen Foley Kessler  
President

ATTEST:

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Park Commissioners of Lake Metroparks of the State of Ohio on the 3<sup>rd</sup> day of October 2007.



David A. Noble  
Executive Director

September 26, 2007

To: Board of Park Commissioners

From: Kenneth E. Kleppel

Please find attached Lake Metroparks Public Records policy. As the Board is aware, House Bill 9 amended the Public Records Law and requires each public entity in Ohio to adopt a Public Records policy and to post it in a conspicuous place in all locations. The Attorney General's office has prepared a sample policy of which we have gleaned and is before the Board for passage. Mr. Gibson has reviewed this policy and has indicated that he is comfortable with us sending it to the Board for passage.

House Bill 9 goes into effect September 29, 2007. If you have any questions, feel free to contact me.

Attachments (2)

cc: Mr. David Noble, Executive Director  
Mr. Joe Gibson, Legal Counsel

# **Lake Metroparks Public Records Policy**

## **Introduction:**

It is the policy of Lake Metroparks that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of Lake Metroparks 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**

This office, 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 Lake Metroparks are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

### **Section 1.1**

It is the policy of Lake Metroparks 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. Record Requests**

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

### **Section 2.1**

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.

### **Section 2.2**

The requestor does not have to put a records request in writing, and does not have to provide his or her identify or the intended use of the requested public record. It is this

office's general policy that this information is not to be requested.

### **Section 2.3**

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.

### **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 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 copies are requested, an appointment should be made with the requester on when the copies or computer files can be picked up. All requests for public records must either be satisfied or be acknowledged in writing by Lake Metroparks 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 acknowledgment must include the following:

**Section 2.4a** – An estimated number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be 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. Costs for Public Records**

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

### **Section 3.1**

The charge for first copy is 75 cents and each additional copy is 5 cents.

### **Section 3.2**

The charge for downloaded computer files to a compact disc is \$1 per disc.

### **Section 3.3**

There is no charge for documents e-mailed.

### **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. 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.

### **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 to copy them to their business e-mail accounts and/or to the office's 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 Records Request**

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

09/26/07