

RESOLUTION NO. 2020-003

LAKE METROPARKS

INTRODUCED BY: Mr. Polivka

CONCORD, OHIO

A Resolution by the Board of Park Commissioners to amend Resolution 2007-078 Public Records Law and modify the Public Records Policy as attached.

Seconded by: Mr. Redmond

Ayes: 3
Nays: 0
Passed: Unanimously

BOARD OF PARK COMMISSIONERS
LAKE METROPARKS



Gretchen Skok DiSanto
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 the Lake Metroparks of the State of Ohio on the 15th day of January 2020.



Paul B. Palagyi
Executive Director

Lake Metroparks Public Records Policy

Introduction:

It is the policy of the Park District to strictly adhere to Ohio'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 an otherwise proper and 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 also must be in writing.

This policy is intended to implement the requirements of Ohio law in connection with the maintenance and release of public records. Accordingly, Ohio Revised Code section 149.43 is hereby incorporated into this policy. Nothing in this policy shall be construed to conflict with Ohio Revised Code section 149.43, or other applicable law. Where a conflict arises between this policy and applicable Ohio law, Ohio law shall control. Determinations of which records the Park District shall maintain are made by the Records Commission of the Park District in accordance with the guidelines set forth by Ohio law, and are not covered by this policy.

It is the policy of the Park District that, 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.

The Administrative Assistant to the Executive Director is the official Public Records Custodian of all non-Ranger records which are centrally maintained by the Park District. Department heads are the official custodians of all records maintained within their departments. Public records requests may be made to Department heads or through the Public Records Custodian. Requests for records from the Ranger department may be made directly to the Ranger Public Records Custodian.

Section 1. Public Records

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 Park District are public unless they are specifically exempt from disclosure under the Ohio Revised Code section 149.43(A)(1).

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 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.

Section 2.2

All persons requesting to review, and/or to gain copies of public records shall be requested to place their request in writing on the Public Records Request form provided by the Park District.

- (a). If the requesting person refuses to place the request in writing the employee of the Park District shall complete the Public Records Request form by asking the requesting person for the required information.
- (b). No person shall be refused access to public records based on their refusal to submit a written request for the records.
- (c). All requests 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 (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 be acknowledged in writing by the Park District within three (3) business days following the office's receipt of the request.

(d). Denials 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 remainder released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority for its exclusion as a public record. The Park District recognizes the legal and non-legal consequences of failure to properly respond to a public records request.

Section 2.3

As set forth in Ohio Revised Code section 149.43, all public records shall be promptly prepared and made available for inspection to any person at reasonable times during regular business hours. In accordance with Ohio Revised Code section 149.43, upon request, an employee who is authorized to do so, shall make copies available at the established cost, within a reasonable amount of time.

(1). What constitutes a reasonable amount of time shall depend, at least in part, on the legitimate manpower and staffing needs of the Park District.

(a). Regular business hours for the Park District are from 8AM to 4:00 PM hours, Monday through Friday. The staffing of requests for public records may vary according to scheduled or unscheduled time off of the Park District staff, manpower needs, or emergencies. Therefore, there may be occasions when the Records Section may close earlier than 4:00 PM.

(b). A citizen may view the records they have requested at all reasonable times during the regular business hours of this office. If a citizen requests to view public records at the Park District's office, the Park District will promptly make them available to you. If you wish to receive copies of records, we will provide them 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. The Park District will not charge, under any circumstances, for an employee's time to complete the records compilation or for sending the documents.

Section 3.1

There will be no charge for the first 100 copies. After 100 copies, the charge is \$1 for the first copy and 5 cents for each additional copy.

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 E-mails from private accounts as records of the public office, filed in the appropriate way, retained per established schedules and made 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. (2). If a citizen allegedly is aggrieved by the failure of an employee of the Park District to promptly prepare a public record maintained by the Park District in accordance with the Records Retention Schedule approved by the Records Commission, the citizen shall:

(a). First, request a meeting with the Executive Director. If the citizen is not satisfied with the results, they shall be requested to place their complaint into written form and it shall be forwarded to the Board of Park Commissioners office for reconciliation.

(b). Second, if necessary, pursue any remedies pursuant to Ohio Revised Code section 149.43.

Section 6. A.D.A. Compliance

The Park District shall facilitate all requests made by all citizens regardless of handicap or disabilities. Employees of the Park District, authorized to release public records, shall take all reasonable steps to ensure that no one is denied access to public information on the basis of handicap or disability.

The Park District shall follow all standards and guidelines established by local, state and federal laws or mandates, as it pertains to the Americans with Disabilities Act, and other applicable laws.