

ORDINANCE # O-24-2017

AN ORDINANCE TO EDIT SECTION 17.4 OF THE POLICIES AND PROCEDURES MANUAL

WHEREAS, the Village Council for the Village of Bolivar wishes to amend Section 17.4 of the Policies and Procedures Manual regarding the policies on public records;

WHEREAS, the general public has a lack of familiarity with the Ohio Public Records laws, and the Village wishes to elaborate on its current policy so that members of the public can be better informed on the public records laws when making a request from the Village;

WHEREAS, the Village Council believes that in addition to including the revised section in the Policies and Procedures Manual, it should be posted in the Village offices for public viewing;

WHEREAS, the Village Council of the Village of Bolivar, Ohio, wishes to amend Section 17.4 Public Records Requests to state:

17.4 Public Records Requests

Village of Bolivar strictly adheres to Ohio's Public Records Act to provide the public with access to public records, while also protecting and safeguarding all official public documents.

A "record" is defined as follows: A document in any format that is created, received by, or comes under the jurisdiction of the Village of Bolivar 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 this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records are organized and maintained in such a way that they can be made available for inspection and copying.

The Village of Bolivar requires that all requests for public records be made in writing to the Village's Fiscal Officer, stating with particularity the records requested. Copies of records shall be provided at a cost to be determined by Council and posted in the Village offices.

Upon the receipt of a public records request, the Village has a reasonable time frame to evaluate the request and fulfill it. Public records shall be made promptly available for inspection during regular business hours. 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.

If the Village believes there will be an unusual delay in compiling the requested records, the Village shall notify the requestor of the length and reason for the delay.

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. 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.

Each request for public records will 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 Village to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian or his/her designee may deny the request, but shall provide the requester an opportunity to revise the request by informing the requester of the manner in which the Village keeps its records.
2. 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.

Now, therefore be it ordained by the Village Council the Village of Bolivar, Ohio, as follows:

SECTION 1. The Village Council for the Village of Bolivar hereby amends Sections 17.4 of the Policies and Procedures of the Village of Bolivar to include the aforementioned language, and the Fiscal Officer is hereby authorized to post a copy of this language in the Village offices.

READ: April 3, 2017, May 1, 2017, June 5, 2017

PASSED: June 5, 2017

REBECCA HUBBLE, MAYOR

ATTEST:

MARIA APP, FISCAL OFFICER