

RECORD OF ORDINANCES

Resolution No. 2025-29

Passed MAY 21, 2025

SPONSOR: MAYOR

A RESOLUTION ADOPTING THE REVISED PUBLIC RECORDS POLICY FOR THE VILLAGE, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Section 149.43(E)(1) provides that all public offices shall adopt a Public Records Policy in compliance with that section for responding to public records requests; and

WHEREAS, the Village Records Commission ("Commission") periodically meets to review the Village's Public Records Policy and Retention Schedules ("Policy"); and

WHEREAS, the Commission met on May 8, 2025, to discuss proposed changes to the Policy; and

WHEREAS, the Commission has prepared a revised Policy in the form attached hereto as Exhibit A to comply with recent changes to Section 149.43 and to conform to the model Ohio Attorney General Public Records Policy; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the Village of Mogadore to adopt the changes to the Policy as recommended by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: This Council hereby approves and adopts the revised Policy as recommended by the Commission, and as outlined in Exhibit A, which is attached hereto and incorporated herein.

SECTION 2: The adopted Policy, and any future updates, shall be distributed to the Public Records Custodian of the Village, who shall acknowledge receipt in accordance with Ohio Revised Code Section 149.43(E)(2).

SECTION 3: A poster which describes the adopted Policy shall be posted in a conspicuous place in the Village and in all locations where the Village has offices.

SECTION 4: The Policy shall be included in the Village's established employee manual/handbook, and shall otherwise be distributed to employees of the Village responsible for responding to public records requests.

SECTION 5: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.


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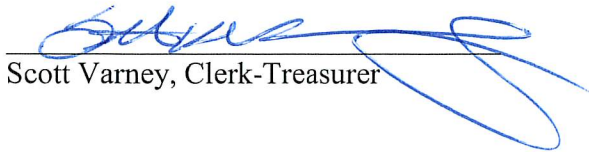
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SECTION 6: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of the timely implementation of the Policy due to recent changes in State law, and, provided this Resolution receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

 5-21-25
Michael Raddish, Council President Date

 5-21-25
Michael Rick, Mayor Date

Attest:


Scott Varney, Clerk-Treasurer

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MISSION STATEMENT

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Village of Mogadore to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

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 of Mogadore 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 must be organized and maintained in such a way that they can be made available for inspection and copying.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. 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 of Mogadore 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.

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 this office's general policy that this information is not to be requested. However, the law does permit the office 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

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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.

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.

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.

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COPYING AND MAILING COSTS; VIDEO RECORD OF MOGADORE POLICE DEPARTMENT

General

Except as provided below with respect to video records of the Mogadore Police Departments, those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is five (\$.05) cents per page. The charge for electronic files downloaded to a compact disc is the actual cost of making the copies.

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.

Video Record of Mogadore Police Department

In accordance with Section 149.43(B)(1) of the Revised Code, the Mogadore Police Department is hereby authorized to charge requesters the actual costs associated with preparing a video record for inspection or production. The charge of preparing a video record for inspection or production is seventy-five (\$75) dollars per hour, but not to exceed seven hundred and fifty (\$750) dollars for each video prepared. Those seeking public records in the form of a video record shall be required to pay the estimated actual cost before the Mogadore Police Department's obligation to produce a video record for inspection or production begins. The estimated actual cost will be provided to the requester within five (5) business days of receipt of the public records request. If the actual cost exceeds the estimated actual cost, the Mogadore Police Department may charge a requester for the difference upon fulfilling a request for video records if the requester is notified in advance that the actual cost may be up to twenty per cent higher than the estimated actual cost. The Mogadore Police Department shall not charge a requester a difference that exceeds twenty per cent of the estimated actual cost.

As used herein, the term "actual cost", with respect to video records only, means all costs incurred by the Mogadore Police Department in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including, but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with this request.

Delivery of Public Records

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.

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MANAGING RECORDS

The Village of Mogadore's records are subject to records retention schedules. The office's current schedules are available at the Village Municipal Building, 135 South Cleveland Avenue, Mogadore, Ohio 44260, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).