

**CITY OF HILLSBORO, OHIO
ORDINANCE NO. 2023-13**

**AN ORDINANCE AMENDING SECTION 39.20 OF THE CODIFIED ORDINANCES OF
THE CITY OF HILLSBORO PERTAINING TO THE CITY'S RECORDS REQUEST POLICY**

WHEREAS, the City of Hillsboro desires to amend certain sections of the Codified Ordinances of the City of Hillsboro pertaining to the City's Records Request Policy; and

WHEREAS, Council, finds that an amendment to the Codified Ordinances of the City of Hillsboro to be in the best interest of the health, safety and welfare of the community for the benefit of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH A MAJORITY OF ALL COUNCIL MEMBERS CONCURRING THAT:

SECTION 1: That the Codified Ordinances of the City of Hillsboro shall be amended as follows:

See "EXHIBIT A", as attached hereto and incorporated herein by reference.

SECTION 2: That all language not specifically amended herein shall remain in full force and effect.

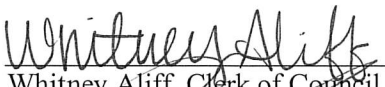
SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

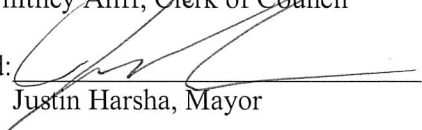
SECTION 4: This Ordinance shall take effect and be in full force upon passage by a majority of Council and approval by the Mayor.

Passed this 11th day of MAY, 2023.


~~Tom Eichinger, Council President~~
Greg Maurer

PRO TEM

Attest: 
Whitney Aliff, Clerk of Council

Approved: 
Justin Harsha, Mayor

Date: 5/12/2023

Prepared by the City Law Director.

1st Reading 3/14/23
2nd Reading 4/13/23
3rd Reading 5/11/23
AA

CITY OF HILLSBORO, OHIO PUBLIC RECORDS REQUEST POLICY

PURPOSE AND SCOPE

The City of Hillsboro recognizes its obligations as set forth in Chapter 149 of the Ohio Revised Code regarding public records. Should changes to the law occur that conflict with the provisions of this policy, the law will supersede this policy. It is the policy of the City of Hillsboro that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying.

DEFINITIONS

A "Public Record" is a record that is kept by the City that contains information stored in a fixed medium, such as paper, film, electronic mail, etc., that is created, received or sent under the jurisdiction of the City that documents the organization, functions, policies, decisions, procedures, operations or other activities of the office. Information contained within a record may be exempt from disclosure under State or federal law or because of privilege or confidentiality requirements. Attorney-work product is also not public record.

"Actual cost" and "commercial" have the same meanings as in Ohio Revised Code §149.43.

"Redaction" is "obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record in section 149.011 of the Revised Code."

"Regular business hours" are 8:00 a.m. to 4:30 p.m. Monday through Friday, excluding City holidays.

"Requester" is a person, group, or entity making a public record request.

RECORDS CUSTODIAN

The City will appoint an employee to serve as Records Custodian. The Records Custodian has custody of the records for the City. The Records Custodian must acknowledge receipt of a copy of this Policy and is responsible for posting this Policy and the City's Public Records poster in a conspicuous place in each location where the City does business.

The Records Custodian is responsible for contacting the Law Department for legal review of records requests. The Records Custodian is responsible for recording the receipt of the request and for delivering the request once the records are retrieved by the appropriate department. The Records Custodian is also responsible for reviewing and updating record retention schedules and ensuring that the department or division's retention schedule is available to the public for review.

Each department or division is also responsible for publishing a copy of this Policy in any manuals or handbooks of general policies and procedures that the department or division puts together for employees.

PROCEDURES FOR RECORD REQUESTS

Public records may be accessed by one of the following methods:

- A request to view public records in person;
- A request for copies which the requester will personally pick up; or
- A request for copies of public records that the requester would like mailed or otherwise delivered to the requester.

The City will only respond to public record requests during regular business hours and not on City holidays. Upon request, except as otherwise provided by law, the City shall provide all public records responsive to a request promptly for inspection. If a public record contains information that is exempt from the duty to permit public inspection or copying, the City shall make available all of the information within the public record that is not exempt. If copies of the public records are requested, the copies will be made within a reasonable time, as required by the Ohio Revised Code. The time for compliance will depend upon the availability of the public records (i.e., the proximity of where the records are stored) and the volume of public records requested. Time will also be allowed for legal review.

Although no specific language is necessary to make a request, the requester must at a minimum 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 requested, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.

A public records request does not need to be in writing or identify the person making the request. If the request is verbal, the City employee receiving the request will write down the complete request and confirm the wording with the requester to assure accuracy. The requestor need not specify the reason for the request nor use particular wording to make a request.

The requester may choose to have copies of the public record(s) made on paper, upon the same medium upon which the City keeps it, or upon any medium upon which the City determines that it can reasonably be duplicated as an integral part of the normal operations of the City.

Public records will only be copied by authorized employees. The City may use an outside copying service to make the copies. Under no circumstances will the requester be permitted to make copies him or herself.

Record retention schedules are to be updated regularly and will be available to the public upon request.

ELECTRONIC MAIL

Documents in electronic format may be public records if they meet the definition of a public record contained in the Ohio Revised Code. Electronic mail is to be treated the same as other records and should follow the same retention schedules. Records in private e-mail accounts that are used to conduct public business are subject to disclosure, and all City employees are to retain their e-mails that relate to public business and to copy them to their business e-mail accounts and/or to the office's records custodian.

PAYMENT

Those seeking public records shall be charged only the actual cost of making copies and reimbursement for the means in which the records were delivered (i.e., postage or jump drives for electronic copies)

Upon request by the City, the requester shall pay in advance the cost of copying the public record(s). Payment shall be in cash or by check. The City will furnish a receipt for payments received.

The charge for paper (standard sized or legal) is fifteen cents (\$0.15) per page. Each Division or Department is responsible for determining the actual cost for downloading computer files to a compact disc (CD), copying photographs or maps, cassette tapes and any other media.

The City shall review their actual cost regularly and update this section as needed.

Requesters may ask that copies of public records be mailed to them. The City shall require payment in advance for the actual cost of postage or the cost of delivery and for the actual cost of supplies used in the mailing, delivery or transmission of public records if the requester has requested the public records to be mailed, delivered or transmitted to him/her.

If the City uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service.

DENIAL OF A PUBLIC RECORD REQUEST

Under certain circumstances, records are not defined as "public records" under Ohio law. In these situations, the public record request will be denied on that basis. Ohio law also recognizes certain actions as "denials" of public record requests.

A document that otherwise meets the definition of a "public record" may contain information that is not within the definition of a "public record." In that case, the City will "redact" the portion of the public record that does not meet the definition of a "public record." If a public record contains information that is exempt from the duty to permit public inspection and copying, the City shall make available all information within the public record which is not exempt. When making the public record available for public inspection or copying, the City shall notify the requester of any redaction or make the redaction plainly visible. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.

In the event that a request for public records is made from which the City cannot determine what public records the requester is seeking, the City will inform the requester that the public records request is denied but will provide the requester with an opportunity to more accurately describe the public records being requested. If the requester is seeking public records organized in certain way but the public records are not organized that way, the City will inform the requester of the manner in which the public records are maintained and accessed. The requester may then submit another public records request that more accurately reflects the organization of the public records and the actual public records sought by the requester.

The City reserves the right to withhold documents that are subject to recognized privileges and confidentiality requirements or are otherwise exempt from request for review by law.

Ohio law requires that any denial including any redactions and the reason therefor, except those which are required by state or federal law, be supported by legal authority. All denials will be in writing whether or not the request was in writing or a verbal request.