

IN RE: BOARD OF COUNTY COMMISSIONERS...RESOLUTION NUMBER 172-07/RESOLUTION ADOPTING A PUBLIC RECORDS POLICY FOR ACCESS TO PUBLIC RECORDS FOR SAME...07-1003-001...ADOPTED

Moved by Mr. Croswell, seconded by Mr. Proud, that the Board of County Commissioners approve the following recommendation:

Recommendation of David L. Spinney, County Administrator, with the concurrence of Thomas L. Blust, Chief Assistant Prosecuting Attorney/Civil Litigation, to adopt Resolution Number 172-07 resolving to adopt a Public Records Policy for all records maintained by the Office of the Board of County Commissioners of Clermont County, Ohio, and its agencies, which is attached thereto and incorporated therein; to encourage all elected officials of Clermont County, Ohio, to adopt this Public Records Policy or a similar policy to facilitate citizen access to appropriate public records; to direct the County Administrator to work with the following departments to implement and publish this Public Records Policy pursuant to and in compliance with Section 149.43(E)(1) and (2) of the Ohio Revised Code:

The Human Resources Department is to integrate this Public Records Policy into the Clermont County Personnel Policy and Procedures Manual and to ensure distribution of this Public Records Policy to all departments and to acquire acknowledgment of receipt thereof from all appropriate employees.

The Office of Public Information is to create a poster that describes this Public Records Policy and is to undertake display of the poster in a conspicuous place in all offices open to the public in which public records are maintained.

The Office of Technology, Communications, and Security is to post this Public Records Policy on the internet website maintained by the County.

and further to direct the County Administrator to coordinate with the elected officials of Clermont County, Ohio, to adopt this Public Records Policy or a similar policy to ensure the availability of records and to provide consistency in complying with the Ohio Public Records Law.

Upon roll call on the foregoing motion, the vote was as follows:

Mr. Croswell, Yes; Mr. Proud, Yea; Mrs. Walker, Absent.

RESOLUTION NO. 172 -07

The Board of County Commissioners, Clermont County, Ohio, met in regular session on the 17th day of October 2007, with the following members present:

Robert L. Proud, President

R. Scott Croswell III, Member

Mr(~~s~~). Croswell moved for the adoption of the following Resolution:

RESOLUTION ESTABLISHING A POLICY FOR ACCESS TO PUBLIC RECORDS OF CLERMONT COUNTY

WHEREAS, The Ohio Public Records Law as modified by HB 9 which modifications went into effect on September 29, 2007 to provide revisions to The Ohio Public Records Law and to require that each political subdivision have a policy relating to public records to provide for access to such records by the citizens of the State of Ohio and other interested parties; and

WHEREAS, Clermont County is an open government which welcomes participation by our citizens and those parties interested in open government and transparent government operation which leads to better public policy; and

WHEREAS, the Board of County Commissioners on behalf of the County, elected officials and employees desire to establish a policy for access to public records so that there is uniformity in meeting the requirements of the Ohio Public Records Law throughout the county government;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I

That the attached Clermont County Public Records Policy be and the same hereby is adopted for all records maintained by the Office of the Board of County Commissioners of Clermont County, Ohio and its agencies and all public employees are required to become familiar with the requirements of the policy and the requirements of the Ohio Public Records Law in order to expedite access to such records and to protect information which is not public record from inadvertent release.

SECTION II

In order to provide uniformity in approach to access of public records and availability of records and uniformity and consistency in the determination of what constitutes and does not constitute a public record, the Board of County Commissioners encourages all elected officials to adopt this policy or a similar policy so that citizen access to the appropriate public records is facilitated.

SECTION III

In order to comply with the provisions of 149.43(E)(1) and (2), the County Administrator is directed to work with the following appropriate departments to implement and publish this Public Records Policy:

1. The Human Resources Department to integrate the Public Records Policy into the Personnel Policy Manual of the County and to ensure distribution of the Policy and receipt from appropriate employees acknowledging receipt of such policy.

2. The Office of Public Information to create a poster that describes the Public Records Policy and to undertake display of the poster in a conspicuous place in all public offices open to the public in which public records are maintained.
3. The Office of Technology, Communications and Security to post the Public Records Policy on the internet website maintained by the County.
4. Coordination with the elected officials of Clermont County to ensure that the Public Records Policy is adopted by each officeholder to ensure availability of records and consistency in compiling with the Ohio Records Law in each office.

SECTION IV

That the Board of County Commissioners hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

Mr(s). Proud seconded the motion and on roll call, the vote resulted as

follows:

Mr. Proud Yea

Mrs. Walker Absent

Mr. Croswell Yes

This Resolution was duly passed on the 17th day of October 2007.

ATTEST:

Judith Kocica
Judith Kocica, Clerk
Board of County Commissioners

This Resolution was
prepared and approved as to
form by the Office of
Clermont County
Prosecutor's Office

Thomas L. Blust
Thomas L. Blust
General Counsel
Assistant Prosecuting
Attorney

Date: Oct. 11, 2007

CLERMONT COUNTY BOARD OF COMMISSIONERS

PUBLIC RECORDS POLICY

Adopted October, 2007

I. Purpose:

The Clermont County Board of Commissioners and all Offices and Agencies under their jurisdiction thereof maintain various records that are utilized to support the accountability of our Government. In accordance with Ohio Revised Code 149.38 and the Clermont County Records Commission, we have adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the Board of Commissioners which document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The Clermont County Board of Commissioners have adopted a Public Records Policy to ensure all Public Records responsive to the request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

II. Scope:

- A. Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.
- B. Each Commissioner Office/Agency has a copy of the public records policy. R.C. 149.43 (E)(2).
- C. This Public Records Policy, as well as the Schedules of Records Retention and Disposition (RC-2) for each Commissioner Office/Agency is available at every location in which the public may access public records. Copies of all RC-2's and the Public Records Policy are available within the SharePoint Directory and the County Portal at <http://www.clermontcountyohio.gov/>
- D. Clermont County Offices and Agencies display a poster which describes the availability of public records at every location in which the public may access the records.

III. Fees:

The Clermont County Board of Commissioners, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of reproductions of public records maintained by the offices, departments and divisions.

Media	Cost
Paper (sizes 8.5 x 11 through 11 x 17)	\$0.10 per page for black and white copies \$0.75 per page for colored copies
VHS/DVD	\$5.00 per
CD-R	\$0.30 per
GIS PRICING	
Media	Cost
Standard paper map ("E" size sheet) (Includes: Street Centerlines, Parcel Boundaries, Water lines, Sewer lines, Streams, Contours, Spot elevations)	\$10.00
Standard E size paper with photo (includes above, plus aerial photo)	\$15.00
Standard paper map (11 x 17)	\$0.75
Digital Information	
ArcView Shapefiles (Entire County)	\$25.00
DXF conversion	\$100.00/hour
Digital Aerial Photos	
Sid 1994 - 1Meter pixel resolution Mr.	\$25.00
Sid 2000 - .15Meter pixel resolution Mr.	\$25.00
High resolution tiff images	\$ 5.00 each
County High resolution tiff images - entire	\$3,556.00

IV. Availability:

- A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (R.C.149.43 (B)(1)). Promptness is determined by the facts and circumstances of each public records request.

- B. The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. For the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Clermont County Offices/Agencies may ask for the request in writing. Staff will assist the requestor if necessary.

1. Although we may ask for the request in writing, for the requestor's identity and may inquire about the intended use of the information requested, the requester shall be advised that:
 - a. A request in writing is not mandatory; and
 - b. The requestor's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their right to inspect and/or receive copies of the public record. R.C.149.43 (B)(5).
 2. Any person, including corporations, individuals and governmental agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by these Offices/Agencies whose release may be prohibited or exempted by either State or Federal law. The person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release if they may be released in whole or in part.

V. Public Records Requests:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records, the proximity of the record storage and the necessity for any legal review of the records requested. The requestor will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall also include the cost of postage. R.C. 149.43(B)(7).
- B. When practical, we may forward copies of records by any other means reasonably acceptable to the requestor.
- C. If a request is voluminous, housed in an off-site location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.

D. Persons seeking copies of public records are not permitted to make their own copies of the requested documents by any means. R.C. 149.43(B)(6).

VI. Response and Denials:

- A. Requests for inspection and/or copies of public records which are not maintained by the Clermont County Board of Commissioners or any Commissioner Office/Agency shall be replied to in writing. The response shall include the information that these records are not kept by this office; the requested records have been disposed of according to the Schedules of Records Retention and Disposition (RC-2) or pursuant to Application of One Time Records Disposal (RC-1); or that in accordance with R.C. 149.40, the Office is under no obligation to create records to meet the records request.
- B. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requestor by informing them, via the Agency's RC-2, what records are retained by the agency and the manner in which they are retained.

VII. Denial of a Record Maintained by the Clermont County Board of Commissioners:

The Clermont County Board of Commissioners may deny a request for a record maintained by the Clermont County Board of Commissioners if:

- A. The record that is requested is prohibited from release due to applicable state or federal law, including but not limited to:
 - 1. Attorney-client privileged information and trial preparation records.
 - 2. Social Security numbers.
 - 3. Records of ongoing investigations.
 - 4. Medical Records.
 - 5. Bureau of Motor Vehicle records.
 - 6. Records that a judge ordered to be sealed per a statute.
 - 7. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43 (A)(7)).

8. We may limit to ten the number of public records mailed to you, unless you certify in writing that you do not intend to use the records for commercial purposes.
 9. We will not provide copies of public records that we create or receive after your original request is completed.
- B. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, the Clermont County Board of Commissioners shall provide the requestor with an explanation including legal authority, setting forth why the request was denied.
1. If the initial request was provided in writing then the explanation shall also be provided in writing.
 2. The explanation shall not preclude the Clermont County Board of Commissioners from relying upon additional reasons or legal authority in defending an action commenced pursuant to R.C. 149.43.

VIII. Redacting Exempted Records/Procedure:

- A. "Redaction" means 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 Ohio Revised Code. [R.C. 149.43 (A)(11)];
1. 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 R.C. 149.43(B)(1).
 2. If a request is ultimately denied, in part or in whole, the Agency Director shall provide the requester with an explanation, including legal authority, setting forth why the request was denied R.C. 149.43 (B)(3).
- B. If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the Agency Director shall make available the information within the public record that is not exempt.
- C. When making a redacted document available for public inspection or copying, the Agency Director shall notify the requester of any redaction or make the redaction plainly visible R.C. 149.43(B)(1).
- D. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.

- E. The first reproduction page with the original redactions made by the employee is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

IX. Remedy: Grievances

1. If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may:
2. Contact the Clermont County Administrator at 732-7300.
3. If the person is not satisfied after contacting the Clermont County Administrator, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes R.C. 149.43 (C)(1)(2).

X. Training and Education:

The Clermont County Board of Commissioners continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.

XI. Interpretation:

It is the intention of Clermont County, its elected officials and employees to at all times comply in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.