

ORDINANCE NO. 2025-83

INTRODUCED BY MAYOR AND COUNCIL AS WHOLE

**AN ORDINANCE AMENDING THE EMPLOYEE HANDBOOK
TO IMPLEMENT CHANGES TO THE PUBLIC RECORDS
POLICY OF THE VILLAGE AND DECLARING AN
EMERGENCY**

WHEREAS, the Village Oakwood has implemented a public records policy presently set forth at pages 46 through 50 of the Employee Handbook; and,

WHEREAS, Council has determined that the procedures for responding to and documenting responses to public records requests should be clarified.

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. That the public records policy presently set forth at pages 46 through 50 of the Employee Handbook be and hereby is amended substantially as provided in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. The Finance Director is hereby directed to incorporate the changes set forth in Exhibit "A" into the Employee Handbook, to distribute the changes represented by Exhibit A" to all village employees and to obtain dated signatures from said employees acknowledging that they have received and read the policies expressed in Exhibit "A".

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being the need to efficiently handle public records requests , therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: 12.9.25

Eloise Hardin
Eloise Hardin, President of Council

Tanya Joseph
Tanya Joseph, Clerk of Council

Presented to the
Mayor 12.10.25

Approved: 12.10.25

Erica J. Nikolic
Erica Nikolic, Mayor

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2025-83 was duly and regularly passed by this Council at the meeting held on the 9th day of Dec, 2025.

Tanya Joseph
Tanya Joseph, Clerk of Council

POSTING CERTIFICATE

I, Tanya Joseph, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2025-83 was duly posted on the 10th day of December, 2025, and will remain posted in accordance with the Oakwood Village Charter.

Tanya Joseph
Tanya Joseph, Clerk of Council

DATED: 12.10.25

PUBLIC RECORDS - POLICY AND PROCEDURE

Introduction:

It is the policy of the Village of Oakwood that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the Village of Oakwood to strictly adhere to the state's Public Records Act. All exemptions to public record disclosure resulting in any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code.

Section 1. Public Records

The Village of Oakwood, in accordance with 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 Village of Oakwood are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

It is the policy of the Village of Oakwood that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 5 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

Section 2. Procedure

Public records requests shall be handled as follows:

Section 2.1 The Clerk of Council will be designated on the Village website as the point of contact for records requests other than those relating to Police Department records. The Police Department Administrative Assistant shall be the designated point of contact for records requests from the Police Department.

Section 2.2 Upon receipt of a public records request, the Clerk shall contact the Director(s) in charge of the Department(s) having custody of the records and request copies of all records requested. The Clerk shall further provide to the person making the request an initial response and estimates according to the criteria set forth in Section 3 hereinbelow and proceed to gather the requested records from the custodians of the records.

Section 2.3 In the event a public records request is made to personnel other than the Clerk or the Police Department Administrative Assistant, the person receiving the request shall immediately provide to the Clerk or the Police Department Administrative Assistant notice of the request and a copy of the request if it is made in writing along with an estimate of the time needed

to gather the requested records and the estimated volume of records at issue if known. The Clerk shall provide to the requesting party the initial response and estimates according to the criteria set forth in Section 3 hereinbelow and the Police Department Administrative Assistant shall follow the Police Department policies in that regard.

Section 2.4 Promptly upon receipt of a request, the records shall be provided to the Clerk for review and the application of any necessary deletions and redactions authorized by the Ohio Revised Code as well as any explanations of the grounds for those deletions or redactions. If there are any questions or concerns relating to the production of records or any deletions or redactions to be made, the Clerk shall seek advice from the Law Department.

Section 2.5 When ready for production, the records shall be promptly delivered to the requesting party and their production documented in writing along with any necessary explanation of any redactions or deletions. The Clerk shall retain a copy of any written request for records or a notation of any oral request along with the initial response, if any, the written response to the request and the documents produced for a minimum of six years from the last communication on the request. If the documents produced have been redacted or documents have been denied, the Clerk shall also retain an unredacted set of all records that have been redacted or denied.

Section 2.6 Public records requests seeking records from the Police Department shall be responded to and records maintained by the Police Department Administrative Assistant in keeping with the policies established by the Police Department.

Section 3. Record Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 3.1 Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow Village employees to identify, retrieve, and review the records. If it is not clear what records are being sought, the Clerk 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.

Section 3.2 The requester is not required 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 records. Although not required, Oakwood Village encourages requests for public records be put in writing to ensure there are no misunderstandings as to what records are being requested.

Section 3.3 Public records are to be available for inspection during regular business hours, with the exception of published holidays. 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 and the necessity for any legal review of the records requested.

Section 3.4 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, such should be made available as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 3.4) or be acknowledged in writing by the (public office) within five business days following the office's receipt of the request and in the case of oral requests include, if the identity and contact information of the requester is known, a statement of the Clerk's understanding of the records being requested. If a request is deemed significantly beyond "routine," such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

Section 3.4a- An estimated number of business days required to satisfy the request.

Section 3.4b - An estimated cost if copies are requested.

Section 3.4 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 3.5. All responses to public records requests shall include the following which shall be maintained by the Clerk for a minimum of six (6) years: a) any written records requests, b) the initial response to the request, c) in the case of oral requests where no initial response has been made in writing, a memorandum of the Clerk's understanding of the request, d) the written response fulfilling the request and outlining any denials or redactions, e) the records produced with the response and an unredacted set of any records that have been produced or have been withheld from production, f) any other materials relevant to the request or the production of records.

Section 4. Costs for Public Records

Those seeking public records will be charged only the actual cost of making copies.

Section 4.1 The charge for paper copies is 5 cents per page.

Section 4.2 The charge for downloaded computer files to a compact disc is \$1 per disc.

Section 4.3 There is no charge for documents that are provided by e-mail.

Section 4.4 Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Section 4.5 The Police Department may charge the actual cost of producing, reviewing, redacting and storage media for video records of police activity up to a maximum of \$750.

Section 5. 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.

Records in private e-mail accounts used to conduct public business are subject to disclosure, and all officials, employees or representatives of the Village of Oakwood 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 where they shall be retained per established schedules and made available for inspection and copying in accordance with the Public Records Act.

Section 6. Records Disposal Policy

In the course of the daily activities of the Village of Oakwood records are created which document such activities. The records may be in many forms e.g. paper, electronic, email, etc. In the event that a Department Head deems it necessary to destroy public records of the Village of Oakwood which are no longer of administrative or historical value, the Department Head must comply with Ohio Revised Code Chapter 149 regarding the proper disposal of public records.

The Village of Oakwood has established a Records Commission to review such records. The Department Head must obtain approval prior to destruction. Contact a member of the Records Commission for any questions regarding this policy and procedures in place (Law Director, Council President, Clerk of Council or Mayor).

Records being destroyed must be shredded, or, in the case of electronic communications, a wiping agent used or the electronic documents and/or communications shall be scrambled to the extent approved by and consistent with procedures established by the Records Commission.