

City of Willoughby Hills

ORDINANCE NO. 2009-52

AN ORDINANCE ESTABLISHING AN OPEN RECORDS MISSION STATEMENT, A STATEMENT OF PRINCIPLES AND A PUBLIC RECORDS POLICY IN ACCORDANCE WITH OHIO'S PUBLIC RECORDS ACT TO PROMOTE OPEN AND ACCOUNTABLE GOVERNMENT.

WHEREAS, in order to accomplish the mission of fully, complying with both the letter and spirit of the Open Records and Open Meetings Act, the Council of the City of Willoughby Hills shall hereby adopt the following: an Open Records Mission Statement, a Statement of Principles and a Public Records Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Council of the City of Willoughby Hills hereby adopts the following *Open Records Mission Statement*:

Consistent with the premise that government at all levels exists first and foremost to serve the interests of the people, it is the City of Willoughby Hill's mission and intent to at all times fully comply with and abide by both the spirit and the letter of Ohio's Open Records Act and Open Meetings Act.

SECTION 2. The Council of City of Willoughby Hills hereby adopts the following *Statement of Principles*:

The City of Willoughby Hills will enact formal legislation memorializing the Mission Statement;

The City of Willoughby Hills will ensure that all personnel become and remain fully trained in and aware of the provisions of the acts;

The City of Willoughby Hills will adopt policies that encourage employees to immediately report incidents of non-compliance with the acts that they may observe;

The City of Willoughby Hills will do nothing that abridges the public's right to obtain information about their government or that inhibits or discourages citizens from doing so;

The City of Willoughby Hills will do everything possible to aid those who are seeking information, including but not limited to, fully explaining the scope and operation of the acts and assisting citizens in the formulation of requests;

The City of Willoughby Hills will construe the provisions of the acts in a manner that favors compliance with requests for information;

The City of Willoughby Hills will seek guidance from the Office of the Ohio Attorney General whenever a question arises about the application of the acts or about the appropriateness of a request for information;

The City of Willoughby Hills will clearly and concisely state the reason or reasons why a request for information has been denied.

SECTION 3. The City of Willoughby Hills hereby adopts the following Public Records Policy:

All records of the City of Willoughby Hills are public, unless they are specifically exempt from disclosure under the Ohio Revised Code, **“Record” includes any document or device, whether paper, electronic, or other format, which is created or received under the jurisdiction of any City Department and which documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Department.**

RECORDS REQUEST

No specific language is required to make a request, but the requester must identify records with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian should ask the requester for clarification, and assist the requester in revising the request by informing them of the manner in which the City Department maintains and accesses its records. The requester need not put a request in writing, or provide his or her identity or the intended use of the requested records. It is this City’s general policy that this information should not requested.

NOTICE OF RECEIPT

All requests for public records should either be satisfied or be acknowledged in writing by the City Department within three (3) business days following receipt. If a request will not be satisfied within three business days a notice of receipt should be sent to the requester, including at least the following terms:

- Request for clarification (if necessary)
- Estimated cost if copies are requested (see below)

PRODUCTION OF REQUESTED RECORDS

Inspection of public records must be made available promptly. Copies of public records must be made within a reasonable period of time. “Promptly” and “reasonable period of time” take into account the volume of records requested, where the records are stored, and time for any legal review and/or redaction. Records prepared for inspection may be viewed during regular business hours. The City Department will provide copies of public records on paper, on the medium on which they are kept, or on any other medium the office determines it reasonably can duplicate the records as an integral part of normal operations. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. Denial of all or any part of any public record requested shall include an explanation for the denial, including legal authority.

COSTS FOR PUBLIC RECORDS

- There is no charge for viewing (inspecting) public records
- Copies of public records may be charged at the following rates:
 - Paper copies – 5 cents per page
 - Download computer files on a compact disc - \$1.00 per disc
 - Electronic records e-mailed to the requester – no charge
- Requesters may have records mailed to them by paying the City Department the actual cost of postage and mailing supplies

E-MAIL RECORDS

If the content of an e-mail or other electronic communication meets the definition of a public record (see “Records” above), it is subject to disclosure, whether it is in a public, or private, e-mail account. Requests for e-mail records will be treated in the same fashion as records in other formats.

FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

If a person believes any Department within the City of Willoughby Hills has failed to comply with the Ohio Public Records Act, they may file a court petition in mandamus: (1) to compel the Department to comply with the request, (2) to seek payment of statutory damages, (3) for court costs, and (4) to have the City Department pay the requester's attorney fees.

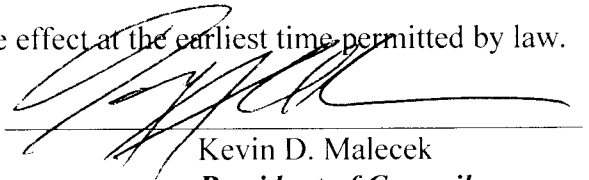
SECTION 4. All the actions of this Council concerning and relating to the passage of this legislation were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 5. This Ordinance shall be in full force and take effect at the earliest time permitted by law.

PASSED:

June 11

, 2009


Kevin D. Malecek
President of Council

~~Submitted to the Mayor for his approval~~

on this

day of


June

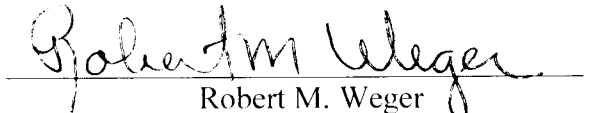
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Approved by the Mayor

June 11, 2009

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Robert M. Weger
Mayor