


# City of Bellbrook Policies & Procedures

<b>Public Records</b>	<b>Procedure:</b> Effective Date: September 10, 2007 Approved:  R. MICHAEL PUCKETT Acting City Manager  Page 1 of 5
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## 1.0 PURPOSE

- 1.1 To provide a City policy to standardize general procedures to handle any type of city record. (Note: Throughout this policy, specific items may refer to each department's written procedures on completing that specific record task.) The City of Bellbrook is committed to complying with House Bill 9, with an effective date of September 27, 2007. The following procedures address public records' retention, copying, access, and destruction procedures.

Note: The implementation of HB 9 and this policy are dynamic in nature. Updates or changes to this policy will be recorded by date.

## 2.0 DEPARTMENTS AFFECTED

- 2.1 All City Departments.

## 3.0 RESPONSIBILITY - TRAINING

- 3.1 All supervisors are responsible to comply with and ensure that personnel under their supervision are adequately trained, fully understand, and comply with this policy.
- 3.2 All employees have the responsibility to learn and follow this policy.
- 3.3 Each City department will have staff members that routinely handle records requests and other records procedures, trained in current records law. (As described in House Bill 9.)
- 3.4 City Council members, or their designee will be trained in compliance with records law. (As described in House Bill 9.)

#### 4.0 DEFINITIONS – From Ohio Revised Code Chapter 149

The following definitions are effective 09-29-2007

(A) "Public office" includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.

(B) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the constitution and laws of this state for the exercise of any function of state government, including any state-supported institution of higher education, the general assembly, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision.

(C) "Public money" includes all money received or collected by or due a public official, whether in accordance with or under authority of any law, ordinance, resolution, or order, under color of office, or otherwise. It also includes any money collected by any individual on behalf of a public office or as a purported representative or agent of the public office.

(D) "Public official" includes all officers, employees, or duly authorized representatives or agents of a public office.

(E) "Color of office" includes any act purported or alleged to be done under any law, ordinance, resolution, order, or other pretension to official right, power, or authority.

(F) "Archive" includes any public record that is transferred to the state archives or other designated archival institutions because of the historical information contained on it.

(G) "Records" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section 1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

(H) Added - Redaction – (ORC 149.43 A 11) Obscuring or deleting information that is exempt from a record.

#### 5.0 POLICY – PUBLIC RECORDS

5.1 Retention Schedule - Each department will annually review their section of the City of Bellbrook's retention schedule to ensure accuracy. This

review will include removing items or adding items to the schedule. Additionally, each department will research their record inventory to view any records that may have reached the appropriate date and time for destruction. Each department will submit their request(s) to the Records Commission for consideration of action(s) on the appropriate State of Ohio forms. Prior to the end of year calendar year, each department will either revise their retention schedule or submit a form provided by the Clerk of Council indicating that they have reviewed it and there are no recommended changes.

- 5.2 The City of Bellbrook's Records Commission will meet on an "as needed" basis, with a minimum of two meetings each calendar year. The first meeting of the calendar year will be primarily to review departments' requests for revisions to their retention schedules. The second meeting of the year will be primarily to consider requests for disposal of records. Requests for disposal of records may be made prior to either meeting.

Each department's record orders will be submitted to the Commission through the Clerk of the City Council. The Clerk will schedule the Commission's meetings. The Records Commission procedures are detailed in Bellbrook Codified Ordinance

- 5.3 Requests / Copying – Anyone requesting copies of a department's records will be asked to complete a Public Records Request Summary Sheet, which describes the records requested, the requestor's contact information (optional), redaction notification information and cause, denial information with Ohio Revised Code reference, the date and time of the request, and the date and time of the records delivery. This form acts as a formal verification and notification to the requestor. After being evaluated closely, all records shall be promptly prepared and made available. This will ensure that information that is not to be released is covered or withheld from public view. Departments will retain a copy of the Request Summary sheet.

Requestors are not required to identify themselves in any way. The captions listed on the summary sheet are for contact purposes only. If a requestor refuses to supply any contact information, that person should be advised to recontact the department to see if the records are ready for pickup. The summary sheet describes the contact captions as optional.

There is no charge for copying the first 100 copies of Bellbrook City records. If the request exceeds 100 pages, a fee of five cents per page will be assessed. If the record requested is on media other than paper,

the department may require the requestor to supply the correct media. (VHS tape, CD, DVD, etc.)


Any delivery or mailing fees will be paid in advance by the requestor.

- 5.4 When a record request is for viewing only, the record requested will be evaluated closely prior to providing the object to the requestor. This will ensure that information that is not to be released is covered or withheld from public view. This information will also be described on the Records summary form (as described above). Records personnel will be present at all times a requestor is viewing the records.
- 5.5 Each department will post this procedure in their reception or entry area with the department's section of the retention schedule, along with the hours available to process record requests. All departments will name a records custodian, as well as a person who substitutes for the custodian, due to leave situations. Both custodians will have training in general public records law, as well as departmental procedures. Having two custodians will provide for Monday through Friday coverage.
- 5.6 The department's record custodian will assist any requestor with questions regarding the types of records created by the department, as well as the media form in which these records are retained. For example, some records have the ability to be emailed to a requestor. Other records are not in a format to allow easy transition to a common document format. These records cannot be emailed.

**6.0 PUBLIC RECORDS REQUEST SUMMARY SHEET**

A copy of the summary form is attached to this Policy.

Approved by :  Date: 9/10/07  
R. MICHAEL PUCKETT  
Acting City Manager  
City of Bellbrook

Attest:  Date: 9/10/07  
Clerk

Public Records Request Summary Sheet

**Contact Information:**

**Disclaimer:** A written request for records is not mandatory. A requestor may decline to reveal his/her identity, or the intended use of the record. The following contact information allows our department to advise you of when the record is ready for delivery. If you do not complete the contact information, please call or contact this department in person to check on the record copy's status.

Name: \_\_\_\_\_ Phone number: \_\_\_\_\_

Other method of contact: \_\_\_\_\_

Date/time of request \_\_\_\_\_

Receipt date/time by custodian \_\_\_\_\_

Records requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Redaction(s):**

Location

Reason

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Records removed from request**

**ORC reference**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date/time records available \_\_\_\_\_

Date/time records notification / delivery \_\_\_\_\_