

**RESOLUTION NO. 3591**

**A RESOLUTION TO REPEAL AND REPLACE RESOLUTION NO 3064  
PUBLIC RECORDS POLICY OF THE CITY OF GENEVA, OHIO,  
AND DECLARING AN EMERGENCY**

WHEREAS, pursuant to Ohio Revised Code Section 149.43, all public offices must adopt a public records policy for responding to public records requests; and

WHEREAS, this Council desires to update its Public Records Policy adopted by Resolution 3064.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Geneva, Ohio, pursuant to Section 149.43 of the Ohio Revised Code, as follows:

SECTION I: The City Council hereby adopts the its Public Records Policy in accordance with Section 149.43 of the Ohio Revised Code in the form attached hereto as Exhibit "A" for the purpose of responding to public records requests. This Public Records Policy shall replace the Public Records Policy adopted by Resolution 3064.

SECTION II: Resolution No. 3064 is hereby repealed.

SECTION III: The City Manager shall approve corrections or updates made by the Director of Finance to the City's Public Records Policy as needed, in adherence to ORC 149.43.

SECTION IV: The Public Records Policy adopted herein shall be delivered to and receipted by the Finance Director as well as by each records custodian or who otherwise has custody of the City public records.

SECTION V: This resolution is declared to be an emergency measure to comply with prior year audit recommendations.

Passed this 11<sup>th</sup> day of December, 2023.

John V. Barber  
President of Council

Attest: Phyllis A. Dunlap  
Clerk of Council

## CITY OF GENEVA PUBLIC RECORD POLICY

### **Introduction:**

It is the policy of the City of Geneva that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of City of Geneva to adhere to the State's Public Records Act. 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**

City of Geneva, in accordance with the Ohio Revised Code, defines records as including the following: Any document 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 City of Geneva are public unless they are exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1**

It is the policy of City of Geneva that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and a copy shall be kept at a location readily available to the public.

### **Section 2. Records Requests**

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

#### **Section 2.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the ~~public office~~ the records custodian to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must use reasonable effort to contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which City of Geneva keeps its records.

The records custodian is the office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the records.

Records custodians and their designated department are as follows:

<u>Department</u>	<u>Name</u>	<u>Phone#</u>	<u>Email</u>
Clerk of Council	Phyllis Dunlap		pdunlap@genevaohio.gov
Finance	Traci Welch	(440) 466-4675	finance@genevaohio.gov
Fire	Chief David Shook	(440) 415-8051	dshook@genevaohio.gov
HR/City Manager Communications	Ella Stanton	(440) 415-8041	estanton@genevaohio.gov
Police	Sandra Evangelista	(440) 466-1111	evangelistas@genevaohio.gov
Zoning	Noell Sivertsen	(440) 415-8042	nsivertsen@genevaohio.gov

## **Section 2.2**

The requester does not have 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 record.

Unless specifically required or authorized by state or federal law, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request. A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate or deliver the public records sought by the requester.

## **Section 2.3**

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 2.4**

Any denial of public records requested must include an explanation, including legal authority. If the request is in writing, the explanation for denial of the request will be provided to the requester in writing. 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. Cost for Public Records**

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

##### **Section 3.1**

The charge for paper copies is pursuant to City of Geneva policy.

##### **Section 3.2**

The charge for downloaded computer files to a compact disc is the cost of the disc.

### **Section 3.3**

There is no charge for documents e-mailed when stored in e-mail format.

### **Section 3.4**

Requesters may ask that documents be mailed to them. They will be charged per page, or the cost of the computer disc, as well as the actual cost of the postage and mailing supplies.

## **Section 4. 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.

### **Section 4.1**

Records in individual e-mail folders used to document the organization, functions, policies, procedures, or other actual business activities are subject to disclosure, and all employees or representatives of City of Geneva 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 folders and/or to the City of Geneva's records custodian.

### **Section 4.2**

The records custodian is to treat the e-mails from private folders as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

## **Section 5. Failure to Respond to a Public Records Request**

The City of Geneva recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, City of Geneva's failure to comply with a request may result in a Court ordering City of Geneva to comply with the law and to pay the requester's attorney fees and damages and court costs.

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