

RECORD OF RESOLUTIONS

Resolution No. 35-2025

Passed: August 12 2025

The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations. If a requester asks that documents be delivered to them, he or she will be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. Any additional actual costs to provide the records not addressed herein shall be paid by the requester.

FEES FOR VIDEO RECORDS

The requester will be charged the actual costs associated with preparing a video record for inspection or production to offset the considerable time and expenses incurred in retrieving, downloading, reviewing, redacting, uploading and producing such video records.

The term "video record" for purposes of this policy, means a video from one source for one start and stop recording, from the beginning to the end. For example, three police officers and/or code enforcement officers responding to the same incident will each have a "video record" of said incident from each of their respective body cameras. This will result in an actual cost for each individual video record.

The requester will be charged \$75.00 per hour not to exceed \$750.00 for processing video records that require retrieval, downloading, review, and or redaction. **The requester will be provided with the estimated actual costs within five business days of the receipt of the public records request.** The amount charged for each video record will be based on the actual cost of the pay rate of the employees or contractors involved in the retrieving, downloading, reviewing, redacting, uploading and producing the requested video record. **The Office will not begin preparing a video record for production until the requester pays the full estimated cost.**

As part of the necessary overhead charges authorized by statute, each request for video records will include a flat \$10.00 per video record fee to partially cover costs such as redaction software, video storage, upload and transmission as well as other necessary expenses. This fee is included within the total actual costs and is subject to the \$750.00 maximum cost per video record. If the actual cost of the production of the video record exceeds the estimated costs, the requester will be charged the difference except where the difference is more than 20% of the estimated cost. A requester will not be required to pay more than the 20% above the estimated cost.

MANAGING RECORDS

The City of West Carrollton records are subject to records retention schedules. The office's current schedules are available in the Clerk of Council's Office located at 300 East Central Avenue, West Carrollton, Ohio, readily available to the public as required by Ohio Revised Code § 149.43(B)(2)

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locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting, filtering, or querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances. In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered. A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.OhioAttorneyGeneral.gov/YellowBook) for the purpose of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meetings Act, records retention laws, and the Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office. If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for letter or legal sized paper copies is 5 cents per page. If fewer than 20 pages of copies are requested, no fee will be charged. If the request exceeds 20 pages, then the cost per page will start with page 1. No receipt will be provided for requests less than \$1.00 unless specifically requested. The charge for electronic files downloaded to a DVD is \$1.00, flash drive cost is dependent upon the necessary storage capacity required to complete the request and the cost will be provided to the requester once the actual cost is determined. Any expense for redacting information the release of which is prohibited by law will be provided to the requester. A requester may be required to pay in advance for the actual costs involved in providing the copy.

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EXHIBIT A

CITY OF WEST CARROLLTON PUBLIC RECORDS REQUEST POLICY

Adopted 8-12, 2025

MISSION STATEMENT

Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of the City of West Carrollton to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

A "record" is defined to include the following: A document in any format – paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the City of West Carrollton that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

CUSTODIAN OF PUBLIC RECORDS

The Clerk of Council is the official Public Records Custodian of all records which are centrally maintained by the City. Department Directors are the official Public Records Custodians of all records maintained within their department. The Police Department Records Clerk is the Custodian of all records which are centrally maintained by the Police Department. Public records requests may be made directly to the Department Directors or through the Public Records Custodian.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. 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, the necessity for any legal review and redaction, and other facts and circumstances of the records requested. It is the goal of the City that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office's receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records. 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(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify,

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A RESOLUTION AMENDING RESOLUTION 16-2007 ESTABLISHING A PUBLIC RECORDS POLICY IN COMPLIANCE WITH THE OHIO SUNSHINE LAWS

WHEREAS, the Council of the City of West Carrollton, in 2007 adopted Resolution 16-2007 which established a Public Records Policy; and

WHEREAS, amendments have been made to Ohio Revised Code Chapter 149.43 and to the Ohio Sunshine Laws; and

WHEREAS, it is the desire of the Council to amend the current Public Records Policy to reflect the current requirements under the Ohio Revised Code and the Ohio Sunshine Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, MONTGOMERY COUNTY, OHIO:

Section 1: That Resolution 16-2007 be amended as provided in Exhibit A, which is attached hereto and incorporated herein as if fully rewritten.

Section 2: It is found and determined that all formal actions of the City Council relating to the adoption of this resolution were in open meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution shall take effect from and after the earliest period allowed by law.

Passed: August 12, 2025


Mayor

Attest: Samanthor Morgan
Assistant Clerk of Council

Effective Date: 8-12-2025