

RECORD OF ORDINANCES

Ordinance No. 3833

Passed: June 23, 2026

AN ORDINANCE BY THE WEST CARROLLTON CITY COUNCIL REPEALING CURRENT CHAPTER 35: PUBLIC RECORDS POLICY OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON, OHIO, AND ADOPTING A NEW CHAPTER 35: PUBLIC RECORDS POLICY OF THE CODE OF ORDINANCES OF THE CITY OF WEST CARROLLTON OHIO, AND DECLARING AN EMERGENCY.

WHEREAS, in 2007 the City Council established Chapter 35: Public Records Policy (“Chapter 35”) of the Code of Ordinances of the City of West Carrollton, Ohio (the “WCO”); and

WHEREAS, due to amendments being made to Ohio Revised Code Chapter 149.43 and to the Ohio Sunshine Laws, in 2025 the City Council adopted Resolution 35-2025 to update and replace the previously established Public Records Policy; and

WHEREAS, Chapter 35, in its current form, is difficult to keep current due to the time delay that naturally occurs between City Council’s adoption of new legislation and the online codification of the same; and

WHEREAS, City Council desires to repeal the current Chapter 35 and adopt a new Chapter 35 that will help ensure that the policies and schedule of fees available to the citizens of West Carrollton is current and up to date at all times; and

WHEREAS, for the immediate preservation of the public peace, health, safety, and welfare of the residents of the City of West Carrollton and to promote more efficient governmental operations, City Council has determined that it is necessary that this ordinance take immediate effect.

NOW, THEREFORE, THE MUNICIPALITY OF WEST CARROLLTON, OHIO, HEREBY ORDAINS:

Section 1: Chapter 35: Public Records Policy of the Code of Ordinances of the City of West Carrollton, Ohio, be and hereby is repealed in its entirety.

Section 2: A new Chapter 35: Public Records Policy of the Code of Ordinances of the City of West Carrollton, Ohio, is hereby enacted to read as set forth in Exhibit A attached hereto and incorporated hereby reference, with additions in **bold** and underlined and deletions shown by ~~strikethrough~~.

Section 3: The City of West Carrollton’s current policy is attached hereto and incorporated herein by reference as Exhibit B, and this policy and fees shall remain in effect until later modified by City Council.

Section 4: 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.

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Section 5: This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity to update Chapter 35: Public Records Policy of the Code of Ordinances of the City of West Carrollton, Ohio, to promote more efficient governmental operations and to ensure the citizens of West Carrollton have better access to current information regarding the City's public records policies and fees. Upon an affirmative vote of at least five (5) members of Council, this ordinance shall take effect immediately upon passage.

Passed: June 23, 2026

Attest: Tracy Moore
Clerk of Council

Richard Barnhart
Mayor

Effective Date: June 23, 2026

EXHIBIT A

CHAPTER 35: PUBLIC RECORDS POLICY

Section 35.01 ~~Purpose~~ **Implementation and publication of Public Records Policy.**

By prior legislation, the City of West Carrollton adopted and implemented a Public Records Policy, which set forth the policies and fees associated with processing public records requests.

The Public Records Policy is subject to change. If City Staff determines modifications are necessary to promote governmental efficiency and remain in compliance with the Ohio Public Records Act, any proposed changes will be presented to the Records Commission and Law Director for their review. If the Records Commission and Law Director determine the modifications may be appropriate, a written recommendation will be presented to City Council regarding the proposed changes and reasons therefor. If City Council agrees with the proposed changes, it shall, by Resolution, adopt a new or revised Public Records Policy.

The current version of the City's Public Records Policy is available for inspection by the public at the West Carrollton Civic Center and is also published on the City's website at www.westcarrollton.org.

~~35.02 Custodian of Public Records; when available~~

~~35.03 General provisions~~

~~35.04 Denial of a public records request~~

~~35.05 Compliance~~

~~35.06 Failure to respond to a public records request~~

~~35.01 PURPOSE.~~

Implementation and publication of Public Records Policy

~~The City of West Carrollton maintains many records that are used in the administration and operation of the City. In accordance with State law, the City of West Carrollton Records Commission has adopted a schedule of records retention and disposition that identify these records and this schedule is available in the Mayor's office. This schedule lists generally the types of records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of the City and document the organization, functions, policies, decisions, procedures, operations, or other activities of the City. The records~~

~~maintained by the City and the ability to access them are means to provide trust between the public and the City.~~

~~{Res. 16-2007. Passed 10-23-07.}~~

~~35.02 CUSTODIAN OF PUBLIC RECORDS; WHEN AVAILABLE.~~

~~—(A) The Clerk of Council is the official Public Records Custodian of all records which are centrally maintained by the City. Department heads are the official custodians of all records maintained within their departments. Public records requests may be made directly to Department heads or through the Public Records Custodian. Requests for records from the police department may be made directly to the police records clerk.~~

~~—(B) Public records requests will be accommodated during regular business hours when offices maintaining said records are open for business. Public records requests will not be accepted on weekends or holidays.~~

~~{Res. 16-2007. Passed 10-23-07.}~~

~~35.03 GENERAL PROVISIONS~~

~~—(A) Public Records. Public records include 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 City of West Carrollton are public unless they are specifically exempt from disclosure under the Ohio Revised Code or Federal law.~~

~~—(1) It is the policy of the City of West Carrollton that records will be organized and maintained so that they are readily available for inspection and copying.~~

~~—(B) Record Requests. Each request for public records should be evaluated for a response using the following guidelines:~~

~~—(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 to identify, retrieve, and review the records. If it is not clear what records are being sought, the Public Records Custodian 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.~~

~~—(2) The Public Records Custodian may ask the requester to put a verbal request in writing, may ask for the requester to give identifying information, or may inquire about the intended use of the information; but a written request is not mandatory, identifying information is not required and the intended use does not have to be disclosed. However, providing such~~

information would benefit the requester by enhancing the ability of the Public Records Custodian to identify, locate and deliver the public records requested. Some Departments have forms that the requester has the option of using in making the request.

— Public records can be accessed by one of the following methods: a request to view public records in person; a request for copies of public records that the requester will personally pick up from the Public Records Custodian; or a request for copies of public records that the requester wants to have mailed or otherwise transmitted to the requester.

— 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.

— (a) Request to view public records. The requester may make a request to view public records. The Public Records Custodian shall prepare the public records for inspection "promptly" as required by the Ohio Revised Code. The actual time required to comply with the request may depend on the circumstances (such as the location of the records, the manner kept or the volume of records requested).

— (b) Copies of public records. The requester may make a request to the Public Records Custodian to have copies of public records made.

— (c) Transmitting copies of public records. A requester may request that copies of public records be transmitted to him or her by U.S. Mail or by any other means of transmission that is available and is conducive to transmitting the public records. The cost of transmission must be paid by the requester before the public records will be provided. While the City is under no obligation to provide records in electronic format, it is the policy of the City to provide information to the public in the most practical and convenient manner, considering all of the circumstances. Therefore, if the City receives a request for information to be made available in an electronic format, such request will be forwarded to the Public Records Custodian for a determination as to whether such information will be generated and released in an electronic format.

— (3) 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, these should be made as quickly as the equipment allows.

— (4) All requests for public records must either be satisfied or be acknowledged in writing by the public office within three business days following the office's receipt of the request. 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:

- ~~—(a) An estimated number of business days it will take to satisfy the request.~~
- ~~—(b) An estimated cost if copies are requested.~~
- ~~—(c) Any items within the request that may be exempt from disclosure.~~
- ~~—(5) 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.~~
- ~~—(c) Fees and Payment: Those seeking public records will be charged only the actual cost of making copies or printing pictures and shall also pay the actual cost (e.g. postage) of delivery and other supplies used in mailing, delivery or transmission of the public record. Payment for public records requests may be required prior to the actual copying or printing of records.~~
 - ~~—Copies made on letter or legal size paper are \$0.05 per page. If the Public Records Custodian uses an outside copying service to make the copies, the requester will be required to pay the cost of the entire copying job, as billed by the copying service. Copies that are requested in some format other than normal letter or legal paper will be “at cost”, without taking into account employee time spent preparing the copies. (For example, public records in electronic format placed on a CD will be assessed the cost of the CD, plus the cost, if any, of creating the electronic copies.)~~
 - ~~—Public records will only be copied by the Public Records Custodian or other authorized officers, employees or representatives. The Public Records Custodian may use an outside copying service to make the copies, at the Public Records Custodian’s discretion. Under no circumstances will the requester be permitted to make the copies himself or herself. The manner of copying is at the discretion of the Public Records Custodian. Requests to copy a certain number of public records on a given page, by “reducing” copy size or otherwise, may be met at the discretion of the Public Records Custodian.~~
 - ~~—Individual departments may adopt a policy that if fewer than 10 pages of copies are requested, no fee will be charged. All requests exceeding 10 pages will be charged a fee of \$0.05 per page for all pages copied. No receipt will be required to be issued for payments received of less than \$1.00.~~

~~—Ohio law may provide for specific fees to be charged for certain records (e.g. police accident reports, \$4.00 each, with photographs at an additional cost, pursuant to R.C. § 5502.12).~~
~~(Res. 16-2007, Passed 10-23-07.)~~

~~35.04 DENIAL OF A PUBLIC RECORDS REQUEST.~~

~~—Under certain circumstances, records are not defined as “public records” under Ohio law or are exempt from disclosure under federal law. In these situations, the public record request will~~

be denied on that basis. The Ohio Revised Code requires that any denial be supported by legal authority. A denial that is responding to a written public records request will also be given in writing. Written reasons for denial will not be required for verbal public records requests. 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, unless federal or state law authorize or requires the redaction.

~~—The Ohio Revised Code regards certain actions as being “denials” of public record requests. These situations are handled as follows:~~

~~—(A) Redaction. The Ohio Revised Code defines a “redaction” as “obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in Section 149.011 of the Revised Code.” Examples of redaction are “blacking out” or “whiting out” or “cutting out” portions of a document.~~

~~—When a public record contains information that is not within the definition of a “public record” as defined by law, or is exempt by law, the Public Records Custodian will make available that portion of the public record that does meet the definition of a “public record”. The Public Records Custodian shall make a copy of the public record, perform the redaction, then make a copy of that sheet and make the second copy available to the requester. The requester will not be charged for the first copy made. If practical, the first copy will be retained by the Public Records Custodian.~~

~~—(B) Requests That Are Ambiguous, Overly Broad, or are Difficult to Identify the Public Records Requested. At times, a requester may make a public records request from which the Public Records Custodian cannot determine which public records are being sought. In such circumstances, the Public Records Custodian will inform the requester that the public records request is denied, but will give the requester an opportunity to more accurately describe the public records sought. If the requester is seeking public records organized in a certain way, but the public records are not organized in that way, the Public Records Custodian will inform the requester of the manner that the public records of the office under discussion are maintained and accessed. The requester may then submit a public records request that more accurately reflects the actual organization of the public records sought. (Res. 16-2007. Passed 10-23-07.)~~

35.05 COMPLIANCE.

~~—The Public Records Custodian reserves the right to consult with legal counsel prior to the release of any public records. This is to allow the City to comply with laws regarding the release of certain records. (Res. 16-2007. Passed 10-23-07.)~~

35.06 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST.

—The City of West Carrollton recognizes the legal and non-legal consequences of failure to properly respond to a public records request. A public office's failure to comply with a request may result in remedies and damages according to R.C. 149.43.

(Res. 16-2007, Passed 10-23-07.)

Exhibit B



CITY OF WEST CARROLLTON PUBLIC RECORDS REQUEST POLICY

Resolution 35-2025

Adopted August 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, 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. 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)