

VILLAGE OF WESTFIELD CENTER, OHIO

RESOLUTION 2025-11

A RESOLUTION TO AMEND THE PUBLIC RECORDS POLICY AND SET OPEN RECORDS POLICY FOR BODY CAM VIDEOS

WHEREAS, House Bill 315 amends Section 149.43 of the Ohio Revised Code (“RC”) to allow local law enforcement agencies to charge a requester of a video record the actual cost associated with preparing the video record for inspection or production, in an amount not to exceed seventy-five dollars per hour of video produced from a video record, nor seven hundred fifty dollars total for the video recording; and

WHEREAS, Village of Westfield Center Council (“Village Council”) desires to amend its public records policy to authorize the Westfield Center Police Department to charge the actual cost associated with reviewing, blurring or obscuring, redacting, uploading, or producing the video records, which can include staff time, and any relevant overhead necessary to comply with the request; and

WHEREAS, the effective date of the authorization for local law enforcement agencies to charge actual costs associated with preparing Police Department video recordings for inspection or production is _____ and Village Council desires to authorize the Westfield Center Police Department to implement actual charges for preparation of such videos as of the effective date of _____.

NOW THEREFORE, be it resolved by the Council for the Village of Westfield Center, Ohio that:

1. **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 Westfield Center’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.
2. The mayor is authorized to execute an acceptable contract as described above.
3. An emergency is hereby declared for the reasons set forth in the preamble hereto and this Resolution shall take effect at the earliest time provided for by law.

Passed: June 3, 2025

Thomas Horwedel, Mayor

Deborah Runser, Fiscal Officer

PUBLIC RECORDS POLICY

**VILLAGE OF WESTFIELD CENTER
6701 GREENWICH ROAD – P.O. BOX 750
WESTFIELD CENTER, OHIO 44251**

INTRODUCTION:

It is the policy of the Village of Westfield Center, including its departments and agencies, (hereinafter collectively referred to as the Village) that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Village to strictly adhere to the state's Public Records Act. Exemptions to openness are to be construed in their narrowest sense and a 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. If the request is in writing, the explanation will also be in writing.

Section 1. Public Records

The Village, in accordance with the Ohio Revised Code, defines records as including 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 such records of Westfield Center Village are public unless they are specifically exempt from disclosure under the Ohio Revised Code or federal law.

Generally, records exempt from the Public Records Act include:

1. Medical records of an individual, including, but not limited to, those pertaining to American with Disabilities Act requests.
2. Investigatory records produced as the result of a confidential law enforcement investigation until such time as the matter is concluded and some records of administrative investigations.
3. Trade Secret and Intellectual Property records.
4. Trial preparation records.
5. Attorney-Client communications and Attorney work product.
6. Child Abuse Reports.
7. Social Security Numbers.
8. Any and all records, the release of which is prohibited by State or Federal law.

Section 1.1

It is the policy of the Village that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the

e-mail record policy). Record retention schedules are to be updated regularly and posted prominently. The Village will not create new records to fulfill a request. It will only provide a copy of the record(s) as it currently exists.

Section 2. Record 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 to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.

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. It is this office's general policy that this information is not to be requested, unless it will assist the record custodian in better understanding the request.

Section 2.3

Public records are to be available for inspection during established 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.

Under Ohio law, a public office or person responsible for the public record shall permit the requestor to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operation of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public record shall be provided in accordance with the choice made by the person seeking the public record.

The person responsible for a public record is to advise the Mayor and Law Director in the event a public records request is made by the media. Additionally, the Law Director should be contacted where a public record is requested by an attorney.

Section 2.4

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 reasonably 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 and personnel resources allow.

All requests for public records must either be satisfied, as noted above, or be acknowledged in writing by the Village of Westfield Center within a reasonable period of time following the office's receipt of the request. If a request is deemed beyond "routine", such acknowledgement must include all of the following:

- (i) An estimated number of business days it will take to satisfy the request.
- (ii) An estimated cost if copies are requested
- (iii) Any items within the request that may be exempt from disclosure.

Section 2.5

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. If such information is redacted, it is to be redacted from the copy and not the original. Prior to a denial of the release of information, the record request and response shall be reviewed by the Mayor and Law Director of the Village.

Section 3. Costs 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 5 cents per page

Section 3.2 The charge for downloaded computer files to a compact disc is \$1.00 per disc.

Section 3.3 There is no charge for documents e-mailed.

Section 3.4 Requesters may ask that documents be mailed to them. They will be charged 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. E-Mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules. As such, all E-Mail communications should be factual, objective, thorough and

measured in tone. It is the policy of the Village that private E-Mail accounts are not to be used by Village officials and employees to transact the business of the Village.

Section 4.1 - Records in private E-Mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Village 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 accounts and/or to the office's record custodian.

Section 4.2 – The records custodian is to treat the E-Mail from private and public accounts 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 4.3 – Police Department Video Recording: In the case of requests for a Police Department video recording, the Westfield Center Police Department is hereby authorized to charge the actual cost to review, blur or obscure, redact, upload or produce the video record, including but not limited to staff time, storage medium on which the record is produced, and any relevant overhead necessary including contracting outside third-party agencies to comply with the request, not to exceed seventy-five dollars per hour of video produced from a video record, nor seven hundred fifty dollars total for each video record. When the Westfield Center Police Department receives a public records request for Police Department video recording the Police Department shall do the following:

1. Within a reasonable time after receipt of the request provide the requester with an acknowledgement of the request, and include in the acknowledgement the following:
 - a. Include an estimate of the actual cost the Police departments expect to incur for producing the video record including, but not limited to, reviewing, blurring or obscuring, redacting, uploading, or paying a third-party agency for producing the video record for viewing or production.
 - b. Notice that the Police Department shall not begin the process of reviewing and preparing the video recording for review or production until the estimated cost is paid to the Village.
 - c. In those cases where the estimated cost is below the hourly or aggregate limit, advise the requester that the Police Department may charge the requester actual costs to up to an additional twenty percent higher than the original estimate of costs, through within the hourly and aggregate limits.
2. The Police Department shall not begin the process of preparing the requested video until the estimated cost has been deposited.
3. Upon the requester paying said deposit, the Police Department shall promptly begin the process of preparing the video recording for viewing or production.
4. If, upon final preparation of a video recording the Police Department finds that its costs have exceeded the estimated actual costs, and the Police Department notified the requester of the possibility of additional charges, the Police Department may charge actual costs up to twenty percent more than the original estimate, through within the hourly aggregate limits.

5. The Police Department is authorized to exercise its discretion to waive the costs for request for Police Department video recordings when requested by a victim of a crime associated with the requested recording.

Section 5. Failure to respond to a public records request

The Village 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, the Village's failure to comply with a request may result in a court ordering the Village to comply with the law and to pay the requester attorney's fees and damages.