

BOARD OF TOWNSHIP TRUSTEES  
ANDERSON TOWNSHIP  
HAMILTON COUNTY, OHIO

The Board of Township Trustees met in regular session at 5:30 p.m. this 15<sup>th</sup> day of October, 2020, with the following members present:

Joshua S. Gerth  
Robin D. Stone  
Andrew S. Pappas

Mr. Pappas introduced the following resolution and moved its passage:

**RESOLUTION NO. 20-1015-10**  
**RESOLUTION FOR PUBLIC RECORDS POLICY**  
**OF ANDERSON TOWNSHIP, HAMILTON COUNTY**

WHEREAS, the Board of Township Trustees of Anderson Township (“Township”), Hamilton County, Ohio (“Board”), through Resolution 07-1220-14, adopted an Open Records Mission Statement and a Statement of Principles; and

WHEREAS, the Board, through Resolution 07-1220-14; adopted a Public Records Policy of Anderson Township; and

WHEREAS, after the Ohio Attorney General’s Office issued a revised model public records policy in December 2009, the Board, through Resolution 10-0415-13 rescinded Resolution 07-1220-14, and established a revised Public Records Policy of Anderson Township; and

WHEREAS, the Ohio Attorney General’s Office has issued a revised model public records policy in 2020;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby rescinds Resolution 10-0415-13, and establishes a revised Public Records Policy of Anderson Township, Hamilton County, Ohio, as follows:

**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 Anderson Township 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 Township 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.

### **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 Township 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](http://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 paper copies is five cents (\$.05) per page. The charge for electronic files downloaded to a compact disc is one dollar (\$1.00) per disc. 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 may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.

### **MANAGING RECORDS**

The Township's records are subject to records retention schedules. The office's current schedules are available at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio 45230, a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2). The Township's current central Records Custodian is the Office Manager.

BE IT FURTHER RESOLVED that the preamble hereto is and shall for all purposes be construed to be an integral and operative part of this Resolution.

BE IT FURTHER RESOLVED that this Board hereby finds and determines that all formal actions of the Board concerning and relating to the passage of the Resolution were taken in open meetings of this Board, and that all deliberations of the Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mrs. Stone seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mr. Gerth       yes            Mrs. Stone       yes            Mr. Pappas       yes      

### CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 15<sup>th</sup> day of October, 2020, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 15<sup>th</sup> day of October, 2020.

  
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Kenneth G. Dietz, Fiscal Officer

I, Betty Cowan, the Records Custodian of Anderson Township, hereby acknowledge that I have received and reviewed the Township's Public Records Policy.

This 15<sup>th</sup> day of October, 2020.

  
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Betty Cowan, Office Manager