

FIRST READING -

COUNCIL NO.

SECOND READING -

SPONSOR: Councilman Jon Morrow Ward 1-A

THIRD READING -

ORDINANCE NO.

**SHORT TITLE - PUBLIC RECORDS ADMINISTRATION AND COMPLIANCE**

CITY OF SHEFFIELD LAKE, OHIO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 115.05 OF THE CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO; REPEALING ORDINANCE NO. 3-08 AND CONFLICTING PUBLIC RECORDS POLICIES TO THE EXTENT OF SUCH CONFLICT; ENACTING NEW CHAPTER 166 OF THE CODIFIED ORDINANCES ENTITLED "PUBLIC RECORDS ADMINISTRATION AND COMPLIANCE"; ESTABLISHING UNIFORM PROCEDURES FOR THE RECEIPT, ASSIGNMENT, TRACKING, PROCESSING, REPORTING, AND ADMINISTRATION OF PUBLIC RECORDS REQUESTS; PRESERVING THE AUTHORITY OF THE RECORDS COMMISSION; AUTHORIZING NONSUBSTANTIVE CODIFICATION REVISIONS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 149.43 of the Ohio Revised Code establishes the public policy of the State of Ohio that public records shall be promptly prepared and made available for inspection and copying unless specifically exempted by law; and

WHEREAS, City Council finds that timely access to public records promotes transparency, accountability, public confidence, and informed participation in municipal government; and

WHEREAS, City Council further finds that the City currently lacks a comprehensive legislative framework establishing uniform procedures governing the receipt, assignment, tracking, administration, reporting, and oversight of public records requests throughout municipal government; and

WHEREAS, City Council finds that standardized administrative procedures will improve efficiency, accountability, consistency, and compliance with Ohio's Public Records Act while preserving all rights afforded under Ohio law; and

WHEREAS, City Council further finds that centralized tracking and periodic reporting will assist City officials in identifying delays, improving administrative performance, and ensuring that public records requests are processed in a prompt and transparent manner; and

WHEREAS, it is the intent of City Council that this Ordinance supplement the requirements of Ohio Revised Code Section 149.43 and not diminish, restrict, or impair any right provided by state law;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sheffield Lake, State of Ohio:

## SECTION 1.

Section 115.05 of the Codified Ordinances of the City of Sheffield Lake is hereby amended to read as follows:

### 115.05 PUBLIC RECORDS POLICY.

The City of Sheffield Lake shall maintain a Public Records Policy consistent with Ohio Revised Code Section 149.43 and Chapter 166 of the Codified Ordinances. All public records requests shall be administered, assigned, tracked, processed, fulfilled, and reported in accordance with Chapter 166, except where otherwise required by state or federal law.

## SECTION 2.

Ordinance No. 3-08, together with any public records policy, administrative directive, departmental procedure, memorandum, or other policy adopted pursuant thereto, is hereby repealed and superseded only to the extent inconsistent with Chapter 166 of the Codified Ordinances.

## SECTION 3.

Nothing contained within this Ordinance shall diminish, transfer, or impair the statutory or codified duties of the Clerk of Council, including the duty to maintain Council records and make available public records maintained by the Office of the Clerk of Council.

## SECTION 4.

There is hereby enacted Chapter 166 of the Codified Ordinances of the City of Sheffield Lake entitled:

### CHAPTER 166

#### PUBLIC RECORDS ADMINISTRATION AND COMPLIANCE

##### 166.01 PURPOSE.

(A) The purpose of this Chapter is to establish a comprehensive and uniform system governing the receipt, assignment, processing, tracking, reporting, administration, and oversight of public records requests received by the City of Sheffield Lake.

(B) City Council finds that transparency in government is fundamental to maintaining the public trust and that prompt access to public records enables citizens to better understand, evaluate, and participate in the affairs of municipal government.

(C) It is the policy of the City of Sheffield Lake that public records shall be administered in a manner that promotes openness, accountability, consistency, efficiency, and compliance with Ohio Revised Code Section 149.43.

(D) This Chapter establishes standardized administrative procedures intended to:

- (1) Promote prompt production of public records;
- (2) Establish clear lines of administrative responsibility;
- (3) Improve coordination among City departments;
- (4) Provide objective performance measurements;
- (5) Increase accountability throughout municipal government;
- (6) Reduce unnecessary delays;
- (7) Improve communication with public records requesters; and
- (8) Ensure consistent application of the City's Public Records Policy.

(E) Nothing contained within this Chapter shall be construed to:

- (1) diminish any right of access provided by Ohio Revised Code Section 149.43;
- (2) require disclosure of records exempt from disclosure under state or federal law;
- (3) alter the authority or duties of the City's Records Commission established under Chapter 164 of the Codified Ordinances;
- (4) transfer the legal custody of records maintained by any elected official, department, board, commission, or office unless otherwise provided by law; or
- (5) create a private cause of action against the City or any public official beyond those remedies expressly provided by Ohio law.

(F) This Chapter establishes minimum administrative standards governing the City's processing of public records requests and is intended to supplement, rather than replace, the requirements imposed by Ohio law.

(G) It is the intent of City Council that this Chapter be interpreted liberally in favor of transparency while recognizing that certain records may be exempt from disclosure pursuant to state or federal law.

(H) Nothing contained herein shall be interpreted as limiting the legislative authority of City Council to establish additional reporting requirements, performance standards, or administrative procedures governing public records administration.

(I) The provisions of this Chapter shall apply uniformly to all departments, divisions, boards, commissions, officers, employees, contractors, consultants, and agents of the City who create, maintain, possess, or control public records in the course of conducting municipal business.

(J) This Chapter is intended to improve administrative accountability without creating unnecessary administrative burdens upon City personnel and shall be implemented using existing personnel and resources whenever reasonably practicable.

## 166.02 LEGISLATIVE FINDINGS.

(A) City Council hereby finds that open government and public access to public records are essential to maintaining public confidence in municipal government and promoting informed civic participation.

(B) City Council further finds that Ohio Revised Code Section 149.43 establishes a strong public policy favoring prompt inspection and production of public records while recognizing limited exemptions established by law.

(C) City Council finds that the City currently receives public records requests through multiple departments, elected offices, boards, commissions, and employees and that the absence of uniform administrative procedures may result in inconsistent processing, unnecessary delays, and incomplete reporting.

(D) City Council further finds that a centralized administrative tracking system will improve accountability, permit objective measurement of compliance, identify recurring administrative issues, and assist City officials in allocating resources necessary to fulfill public records requests promptly.

(E) City Council finds that standardized reporting to City Council promotes transparency regarding the City's compliance with Ohio's Public Records Act while preserving the independent responsibilities of elected officials and statutory records custodians.

(F) City Council recognizes that prompt production of public records benefits both the requesting party and the City by reducing misunderstandings, avoiding unnecessary litigation, improving public confidence, and encouraging efficient government operations.

(G) City Council further finds that public records administration is an ongoing governmental function requiring coordination among all City departments, offices, boards, commissions, employees, contractors, consultants, and agents possessing public records.

(H) City Council intends that administrative responsibility for coordinating public records requests be clearly assigned while preserving the legal responsibilities imposed upon individual records custodians by Ohio law.

(I) City Council further finds that periodic reporting concerning public records compliance will enable Council to evaluate administrative performance, identify systemic issues, recommend improvements, and ensure continued compliance with applicable law.

(J) Nothing contained in this Chapter is intended to modify, restrict, expand, or diminish any substantive right or obligation established by Ohio Revised Code Section 149.43, the Ohio Constitution, or any other applicable provision of state or federal law.

(K) This Chapter is enacted pursuant to the City's constitutional authority to organize and administer municipal government and establish uniform administrative procedures for the efficient conduct of municipal business.

(L) The findings contained within this Section are legislative determinations made by City Council after consideration of the importance of governmental transparency and shall assist in interpreting, administering, and enforcing this Chapter. The invalidity of any individual finding shall not affect the validity or enforceability of the remaining provisions of this Chapter.

#### 166.03 DEFINITIONS.

For purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them herein. These definitions shall apply solely to Chapter 166 and shall not modify any definition contained elsewhere within the Codified Ordinances of the City of Sheffield Lake or the Ohio Revised Code.

(A) "Business Day" means any day upon which the administrative offices of the City of Sheffield Lake are open for the transaction of public business, excluding Saturdays, Sundays, and legal holidays.

(B) "City" means the City of Sheffield Lake, Ohio.

(C) "City Council" or "Council" means the Council of the City of Sheffield Lake.

(D) "Custodian of Records" means the elected official, department head, board, commission, office, employee, or other individual having legal custody, possession, or administrative responsibility for maintaining a particular public record.

(E) "Law Director" means the duly appointed Law Director of the City of Sheffield Lake or the Law Director's authorized designee.

(F) "Public Record" shall have the same meaning assigned by Ohio Revised Code Section 149.43.

(G) "Public Records Compliance Officer" means the individual designated pursuant to Section 166.04 to coordinate the administration, assignment, tracking, monitoring, and reporting of public records requests under this Chapter.

(H) "Public Records Request" means any request, whether written, electronic, verbal, or submitted by any other lawful means, seeking inspection or copies of one or more public records maintained by the City.

(I) "Public Records Request Tracking System" means the centralized electronic or manual system maintained by the Public Records Compliance Officer documenting the receipt, assignment, processing, status, and disposition of public records requests.

(J) "Requester" means any person requesting inspection or copies of public records pursuant to Ohio Revised Code Section 149.43.

(K) "Responsive Records" means records that reasonably satisfy the description contained within a public records request.

(L) "Working File" means the administrative file maintained for each public records request containing the request, assignment history, correspondence, responsive documents, production dates, delay notices, exemption determinations, and final disposition.

(M) "Promptly" shall be interpreted consistently with Ohio Revised Code Section 149.43 and applicable judicial decisions interpreting that statute.

(N) Unless otherwise expressly defined herein, words and phrases used within this Chapter shall have the meanings assigned by the Ohio Revised Code, the Charter of the City of Sheffield Lake, and the Codified Ordinances of the City, as applicable.

(O) These definitions shall be liberally construed to promote consistent administration of this Chapter while preserving the public's right of access to public records established by Ohio law.

#### 166.04 PUBLIC RECORDS COMPLIANCE OFFICER.

(A) There is hereby established the administrative position of Public Records Compliance Officer for the City of Sheffield Lake.

(B) The Mayor shall designate, in writing, a qualified municipal officer or employee to serve as the Public Records Compliance Officer. The designation shall be filed with the Clerk of Council within ten (10) business days of appointment and whenever a successor is designated.

(C) The Public Records Compliance Officer shall serve under the administrative direction of the Mayor and shall be responsible for coordinating the City's administration of public records requests in accordance with this Chapter.

(D) The Public Records Compliance Officer shall serve solely as the City's administrative coordinator for public records requests and shall not become the legal custodian of records maintained by any elected official, department, board, commission, or office unless otherwise provided by law.

(E) The Public Records Compliance Officer shall:

- (1) Receive and acknowledge public records requests submitted to the City.
- (2) Maintain the centralized Public Records Request Tracking System.
- (3) Assign requests to the appropriate records custodians.
- (4) Monitor compliance with the administrative standards established by this Chapter.
- (5) Coordinate communications between requesters and records custodians.
- (6) Maintain the Public Records Request Log.
- (7) Prepare monthly and annual Public Records Compliance Reports.
- (8) Recommend administrative improvements to the Mayor and City Council.
- (9) Coordinate employee training concerning Ohio's Public Records Act.
- (10) Develop standardized forms and administrative procedures consistent with this Chapter.
- (11) Maintain administrative files for each public records request.
- (12) Coordinate with the Records Commission concerning records administration while preserving the independent statutory authority of the Records Commission.

(F) The Public Records Compliance Officer shall report administratively to the Mayor concerning the daily operation of the City's public records program.

(G) The Public Records Compliance Officer shall report directly to City Council regarding:

- (1) the Monthly Public Records Compliance Report required by Section 166.11;
- (2) requests remaining incomplete for more than thirty (30) calendar days;
- (3) requests remaining incomplete for more than sixty (60) calendar days;
- (4) recurring administrative deficiencies affecting compliance;
- (5) recommendations for improving transparency and administrative efficiency.

(H) The Public Records Compliance Officer may communicate directly with City Council regarding matters affecting compliance with this Chapter without requiring prior approval from any other municipal official.

(I) Nothing contained herein shall authorize the Public Records Compliance Officer to:

- (1) deny a public records request except as authorized by law;
- (2) order destruction of any public record;
- (3) alter, redact, or withhold any record except as authorized by Ohio law;
- (4) assume legal custody of records maintained by another office; or
- (5) interfere with the independent constitutional, statutory, or charter authority of any elected official.

(J) Every department, office, board, commission, elected official, employee, contractor, consultant, and agent possessing responsive public records shall reasonably cooperate with the Public Records Compliance Officer in fulfilling the requirements of this Chapter.

(K) The Public Records Compliance Officer may issue administrative guidance, standardized forms, recommended procedures, and internal operating practices necessary to implement this Chapter, provided such guidance does not conflict with this Ordinance or Ohio law.

(L) The legislative intent of this Section is to preserve executive administration of municipal operations while providing City Council with sufficient information to exercise its legislative oversight responsibilities regarding the City's compliance with Ohio's Public Records Act. Nothing contained herein shall be construed as authorizing City Council to direct the day-to-day administration of the executive branch.

#### 166.05 SUBMISSION, RECEIPT, AND ASSIGNMENT OF PUBLIC RECORDS REQUESTS.

(A) Any person may submit a public records request to the City by any method authorized under Ohio Revised Code Section 149.43, including written correspondence, electronic mail, in-person request, telephone, or any other lawful means.

(B) A public records request may be received by any City officer, elected official, employee, department, board, commission, office, contractor, consultant, or agent acting on behalf of the City.

(C) Any City officer, employee, department, board, commission, contractor, consultant, or agent receiving a public records request shall forward the request to the Public Records Compliance Officer not later than the close of the next business day following receipt.

(D) Upon receipt of a request, the Public Records Compliance Officer shall:

- (1) assign a unique tracking number;
- (2) record the request within the Public Records Request Tracking System;
- (3) acknowledge receipt of the request when appropriate;
- (4) determine the records custodians reasonably believed to possess responsive records; and
- (5) assign responsibility for responding to the request.

(E) Assignment of responsibility shall occur not later than two (2) business days following receipt of the request whenever reasonably practicable.

(F) Assignment shall identify:

- (1) the responsible records custodian;
- (2) any supporting departments or offices;
- (3) the date of assignment;
- (4) any applicable production deadlines established by this Chapter; and
- (5) any special legal or technical issues requiring review.

(G) If responsive records are maintained by multiple departments or offices, the Public Records Compliance Officer may assign portions of the request to multiple records custodians while maintaining centralized administrative oversight.

(H) If no appropriate records custodian can reasonably be identified, the Public Records Compliance Officer shall coordinate the search for responsive records and document all efforts undertaken to identify the appropriate custodian.

(I) Assignment of a request pursuant to this Section shall not transfer legal custody or ownership of any public record from its lawful custodian.

(J) Each records custodian assigned responsibility for a request shall:

- (1) promptly begin locating responsive records;
- (2) notify the Public Records Compliance Officer of any anticipated delay;
- (3) identify any records believed to be exempt from disclosure;
- (4) cooperate with other departments possessing responsive records; and
- (5) provide periodic status updates upon request.

(K) Whenever a request is unclear or overly broad, the Public Records Compliance Officer or assigned records custodian shall provide the requester an opportunity to revise or clarify the request in accordance with Ohio Revised Code Section 149.43(B)(2).

(L) Requests shall not be denied solely because they are submitted verbally or because the requester declines to identify themselves or explain the purpose of the request, except where otherwise authorized by law.

(M) Nothing contained within this Section shall be construed to prevent any department from immediately producing records that are readily available and routinely provided to the public, provided the request is subsequently documented within the Public Records Request Tracking System.

(N) It is the legislative intent of this Section to ensure that every public records request received by the City is promptly documented, assigned, monitored, and administered through a uniform process that promotes accountability, transparency, and compliance with Ohio law.

#### 166.06 PUBLIC RECORDS REQUEST TRACKING SYSTEM.

(A) The Public Records Compliance Officer shall establish, maintain, and administer a centralized Public Records Request Tracking System for all public records requests received by the City.

(B) The Tracking System may consist of electronic records, cloud-based software, database applications, spreadsheet software, document management software, or other administrative systems determined appropriate by the Public Records Compliance Officer.

(C) Each public records request shall be assigned a unique tracking number upon receipt.

(D) The Tracking System shall include, at a minimum:

- (1) Tracking number;
- (2) Date request received;
- (3) Name of requester, if voluntarily provided;
- (4) Method by which the request was received;
- (5) Description of records requested;
- (6) Assigned records custodian or custodians;
- (7) Date assigned;
- (8) Status of the request;
- (9) Dates of any partial productions;
- (10) Date completed;
- (11) Date closed;
- (12) Any delay notices issued;
- (13) Any legal review required;
- (14) Any exemptions or redactions asserted;
- (15) Such additional administrative information as the Public Records Compliance Officer determines reasonably necessary.

(E) The Tracking System shall permit the Public Records Compliance Officer to monitor:

- (1) pending requests;
- (2) completed requests;
- (3) overdue requests;
- (4) departmental workload;
- (5) average processing times;
- (6) recurring administrative issues; and
- (7) compliance with this Chapter.

(F) A separate Working File shall be maintained for each request and may contain:

- (1) the original request;
- (2) correspondence;
- (3) assignment records;
- (4) responsive records;
- (5) legal memoranda;
- (6) redaction determinations;
- (7) production documentation;
- (8) delay notices;
- (9) final disposition.

(G) Information contained within the Tracking System shall be updated as significant actions occur during the processing of each request.

(H) The Tracking System shall be maintained in a manner consistent with the City's Records Retention Schedule and the Ohio Public Records Act.

(I) Except for information exempt from disclosure under state or federal law, the Public Records Request Log maintained pursuant to this Chapter shall constitute a public record available for inspection.

(J) The Tracking System shall not be construed as creating or eliminating any substantive right under Ohio Revised Code Section 149.43 and shall serve solely as an administrative management tool.

(K) The Public Records Compliance Officer may periodically audit the Tracking System to ensure completeness, accuracy, and compliance with this Chapter and may recommend administrative improvements to City Council.

(L) The legislative intent of this Section is to establish a transparent and uniform administrative system that promotes accountability, facilitates timely responses, improves internal coordination, and provides objective performance information regarding the City's administration of public records requests.

## 166.07 TIMELY PRODUCTION OF PUBLIC RECORDS.

(A) It is the policy of the City of Sheffield Lake that public records shall be made available for inspection or copying promptly and within a reasonable period of time consistent with Ohio Revised Code Section 149.43 and the circumstances of each request.

(B) Whenever reasonably practicable, public records requests shall be completed within ten (10) business days following receipt.

(C) The ten (10) business day administrative objective established by this Section is intended solely as an internal performance standard and shall not create a substantive legal right, mandatory statutory deadline, or private cause of action beyond those provided under Ohio law.

(D) In determining whether records have been produced promptly, consideration may be given to:

- (1) the scope and complexity of the request;
- (2) the volume of responsive records;
- (3) the number of departments involved;
- (4) whether records require legal review;
- (5) whether redactions are necessary;
- (6) whether archived, electronic, or off-site records must be retrieved;
- (7) staffing limitations caused by emergencies or unforeseen circumstances; and
- (8) any other factor recognized by Ohio law as relevant to prompt production.

(E) Whenever responsive records become available before the request is fully completed, the assigned records custodian shall provide partial production whenever reasonably practicable rather than delaying production until all responsive records have been assembled.

(F) Records shall be produced in the format requested if required by Ohio law and reasonably available. If not reasonably available, records shall be produced in another format authorized by Ohio Revised Code Section 149.43.

(G) If a request is denied in whole or in part, the Public Records Compliance Officer or records custodian shall provide a written explanation identifying the specific legal authority supporting each denial or redaction as required by Ohio law.

(H) If only a portion of a requested record is exempt from disclosure, the exempt portion shall be redacted and the remainder of the record shall be promptly produced unless otherwise prohibited by law.

(I) The Public Records Compliance Officer shall continuously monitor all pending requests to promote timely completion and may coordinate with records custodians to remove unnecessary administrative delays.

(J) Nothing contained within this Section shall require disclosure of records exempt from disclosure under state or federal law or require production of records that do not exist.

(K) Compliance with the administrative performance objectives established by this Chapter shall not excuse or diminish the City's continuing obligation to comply with Ohio Revised Code Section 149.43.

(L) It is the legislative intent of this Section that public records requests be processed efficiently, consistently, and in good faith while balancing the public's right of access with the City's obligation to protect records exempt from disclosure under applicable law.

#### 166.08 DELAY NOTIFICATION.

(A) Whenever a public records request cannot reasonably be completed within the administrative objective established by Section 166.07(B), the Public Records Compliance Officer shall provide a written Delay Notification to the requester and to City Council.

(B) The Delay Notification shall be transmitted as soon as reasonably practicable after it becomes apparent that additional time will be required.

(C) The Delay Notification shall include, to the extent applicable:

- (1) the Public Records Request Tracking Number;
- (2) the date the request was received;
- (3) a general description of the records requested;
- (4) the reason additional time is required;
- (5) the department, office, or records custodian responsible for completing the request;
- (6) a description of the actions already taken to process the request;
- (7) whether partial production has occurred or is anticipated;
- (8) whether legal review or redaction is required;
- (9) an estimated date by which the remaining records are expected to be produced; and
- (10) the name and contact information of the Public Records Compliance Officer.

(D) When appropriate, the Delay Notification shall explain that the estimated completion date is subject to change if additional responsive records are identified or unforeseen circumstances arise.

(E) If additional delays occur after issuance of the initial Delay Notification, the Public Records Compliance Officer shall provide updated status reports at intervals not exceeding thirty (30) calendar days until the request has been completed.

(F) Whenever reasonably practicable, responsive records shall continue to be produced on a rolling basis during the period of delay rather than withholding all records until completion of the request.

(G) Nothing contained within this Section shall be construed to authorize unnecessary delay or to excuse compliance with Ohio Revised Code Section 149.43.

(H) Delay Notifications and subsequent status updates shall become part of the Working File maintained for the request and shall be retained in accordance with the City's Records Retention Schedule.

(I) The issuance of a Delay Notification shall not constitute a denial of the request nor create any presumption that the requested records are exempt from disclosure.

(J) Legislative Intent.

City Council finds that timely communication with both requesters and Council promotes transparency, improves accountability, reduces misunderstandings, and allows delays to be identified and addressed before they become unreasonable. The purpose of this Section is to improve communication regarding the status of pending requests while encouraging their prompt completion consistent with Ohio law.

#### 166.09 AUTOMATIC COUNCIL REVIEW OF OUTSTANDING PUBLIC RECORDS REQUESTS.

(A) Any public records request that remains incomplete thirty (30) calendar days after receipt shall automatically be included as an informational item on the agenda of the next regular meeting of City Council.

(B) Prior to that meeting, the Public Records Compliance Officer shall submit a written Public Records Status Report to City Council concerning each outstanding request.

(C) The Public Records Status Report shall include, at a minimum:

- (1) The Public Records Request Tracking Number;
- (2) The date the request was received;
- (3) A general description of the records requested;
- (4) The department, office, or records custodian assigned responsibility;
- (5) The actions taken to fulfill the request;
- (6) Records produced to date;
- (7) Records remaining to be produced;
- (8) The reason the request remains incomplete;
- (9) The anticipated completion date; and
- (10) Any recommendation for administrative action.

(D) City Council may review the status of any outstanding request for the sole purpose of evaluating the City's administrative compliance with this Chapter and Ohio Revised Code Section 149.43.

(E) Following such review, City Council may:

- (1) receive the report;
- (2) request additional information from the Public Records Compliance Officer;
- (3) recommend administrative improvements;
- (4) establish administrative expectations for completion consistent with Ohio law; or
- (5) refer administrative concerns to the appropriate committee of Council.

(F) Nothing contained in this Section shall authorize City Council to:

- (1) order the disclosure of records exempt from disclosure under state or federal law;
- (2) overrule a legal determination concerning the applicability of a statutory exemption;
- (3) assume custody of records maintained by another public office or official; or
- (4) interfere with any pending litigation or legal proceeding involving the requested records.

(G) Any request remaining incomplete sixty (60) calendar days after receipt shall automatically appear as an informational item on each regular Council agenda until the request has been completed or otherwise resolved.

(H) The Public Records Compliance Officer shall notify City Council when any request subject to this Section has been completed and shall include the completion date within the next Monthly Public Records Compliance Report.

(I) Review by City Council under this Section is intended solely to provide legislative oversight of the City's administrative performance and shall not create any substantive rights beyond those provided by Ohio Revised Code Section 149.43.

(J) Legislative Intent.

City Council finds that periodic review of outstanding public records requests promotes accountability, transparency, and efficient municipal administration by identifying systemic delays and encouraging prompt resolution while respecting the legal responsibilities of records custodians and the requirements of Ohio law.

#### 166.10 EMPLOYEE ACCOUNTABILITY.

(A) Every elected official, department director, division manager, supervisor, records custodian, employee, contractor, consultant, or agent of the City having responsibility for maintaining, preserving, locating, reviewing, or producing public records shall cooperate in good faith with the Public Records Compliance Officer and shall perform the duties assigned pursuant to this Chapter.

(B) Failure to comply with the administrative requirements of this Chapter, including but not limited to:

- (1) failure to timely acknowledge receipt of an assigned request;
- (2) failure to conduct a reasonable search for responsive records;
- (3) failure to respond to communications from the Public Records Compliance Officer;
- (4) failure to comply with an administrative assignment;
- (5) failure to meet an established production schedule without documented justification;
- (6) failure to provide required status updates;
- (7) failure to preserve responsive public records; or
- (8) any other material failure to comply with this Chapter,

may constitute administrative noncompliance.

(C) Before any finding of administrative noncompliance is made, the affected employee shall be afforded an opportunity to provide an explanation regarding the circumstances giving rise to the alleged noncompliance.

(D) If administrative noncompliance is determined to have occurred, the Public Records Compliance Officer shall prepare a written Administrative Compliance Memorandum documenting:

- (1) the request involved;
- (2) the conduct constituting the noncompliance;
- (3) the explanation provided, if any;
- (4) any corrective action recommended; and
- (5) the date the matter was resolved.

(E) The Administrative Compliance Memorandum shall be forwarded to the employee's appointing authority for review and any action deemed appropriate under applicable law.

(F) Nothing contained in this Chapter shall require disciplinary action in any particular case.

(G) Any disciplinary action arising from matters governed by this Chapter shall remain subject to:

- (1) applicable collective bargaining agreements;
- (2) civil service laws;
- (3) employment contracts;
- (4) personnel policies;
- (5) the Charter of the City of Sheffield Lake;
- (6) the Ohio Revised Code; and
- (7) all applicable constitutional due process requirements.

(H) Repeated documented administrative noncompliance may be considered by the appointing authority during:

- (1) employee performance evaluations;
- (2) supervisory counseling;
- (3) professional development planning;
- (4) corrective action; or
- (5) disciplinary proceedings to the extent otherwise authorized by law.

(I) Nothing contained in this Section shall be construed to create an independent cause of action against any employee or elected official or to impose civil liability beyond that provided by applicable law.

(J) Legislative Intent.

City Council intends that this Section promote administrative accountability, improve compliance with the City's Public Records Policy, encourage timely responses, and foster continuous improvement in municipal operations. This Section is intended to improve governmental performance and shall not be

interpreted as creating mandatory disciplinary requirements or limiting the discretion of appointing authorities under applicable law.

#### 166.11 MONTHLY PUBLIC RECORDS COMPLIANCE REPORT.

(A) Annual Public Records Performance Review.

Once each calendar year, the Public Records Compliance Officer shall present an Annual Public Records Performance Report to City Council summarizing compliance trends, response times, staffing needs, recurring legal issues, technological improvements, recommendations for policy changes, and comparisons to prior years. The report shall include recommendations for improving transparency, efficiency, and compliance with Ohio Revised Code Section 149.43.

(B) The report shall summarize the City's administration of public records requests for the preceding calendar month and shall also include cumulative year-to-date statistics.

(C) At a minimum, the report shall include:

- (1) Total public records requests received;
- (2) Total requests completed;
- (3) Total requests pending;
- (4) Requests completed within ten (10) business days;
- (5) Requests remaining open longer than ten (10) business days;
- (6) Requests remaining open longer than thirty (30) calendar days;
- (7) Requests remaining open longer than sixty (60) calendar days;
- (8) Average completion time;
- (9) Median completion time;
- (10) Number of requests requiring legal review;
- (11) Number of requests partially denied;
- (12) Number of requests denied in full;
- (13) Number of requests requiring redaction;
- (14) Number of requests completed through partial production;
- (15) Departments receiving the greatest number of requests;
- (16) Any recurring administrative issues affecting compliance;
- (17) Recommendations for improving administrative efficiency.

(D) The report shall separately identify every request remaining open longer than ten (10) business days together with:

- (1) the tracking number;
- (2) the date received;
- (3) the assigned records custodian;
- (4) the reason the request remains outstanding;
- (5) the anticipated completion date.

(E) Personally identifiable information, confidential law enforcement information, attorney-client privileged communications, and other information exempt from disclosure under state or federal law shall not be included within the public report.

(F) The report shall include historical comparisons with prior reporting periods whenever reasonably practicable in order to identify trends and measure improvements in compliance.

(G) Within five (5) business days following presentation to City Council, the Monthly Public Records Compliance Report shall be published upon the City's official website, except for information exempt from disclosure under applicable law.

(H) City Council may refer the report to an appropriate committee for additional review and recommendations concerning administrative improvements.

(I) Nothing contained in this Section shall authorize the disclosure of records exempt from Ohio Revised Code Section 149.43 or other applicable provisions of law.

(J) Legislative Intent.

City Council finds that regular reporting concerning public records administration promotes transparency, allows objective measurement of governmental performance, identifies recurring administrative concerns, encourages continuous improvement, and strengthens public confidence in the City's commitment to open government.

#### 166.12 RULES OF CONSTRUCTION.

(A) This Chapter shall be liberally construed in favor of transparency, accountability, and public access to public records consistent with Ohio Revised Code Section 149.43.

(B) Nothing contained in this Chapter shall be construed to:

- (1) diminish any right of access granted by the Ohio Public Records Act;
- (2) require disclosure of records exempt from disclosure under state or federal law;
- (3) impair the attorney-client privilege, attorney work-product doctrine, or any other recognized legal privilege;
- (4) modify the authority or duties of the City's Records Commission established pursuant to Chapter 164 of the Codified Ordinances;
- (5) alter the legal responsibilities of records custodians established by Ohio law.

(C) Whenever reasonably possible, this Chapter shall be interpreted so as to harmonize with:

- (1) the Ohio Constitution;
- (2) the Constitution of the United States;
- (3) Ohio Revised Code Section 149.43;
- (4) all other applicable provisions of the Ohio Revised Code;
- (5) the Charter of the City of Sheffield Lake; and

(6) the remaining provisions of the Codified Ordinances of the City.

(D) If any provision of this Chapter is determined to conflict with a mandatory provision of state or federal law, the conflicting provision shall be interpreted and applied only to the extent permitted by law, and all remaining provisions shall remain in full force and effect.

(E) Headings, titles, captions, and section names are provided solely for convenience and shall not be used to interpret the substantive provisions of this Chapter.

(F) Unless the context clearly indicates otherwise:

(1) words in the singular include the plural;

(2) words in the plural include the singular;

(3) words in the masculine include the feminine and neuter;

(4) the word "shall" is mandatory;

(5) the word "may" is permissive;

(6) the phrase "including" means "including, but not limited to."

(G) References to provisions of the Ohio Revised Code shall include any future amendments, renumbering, recodification, or successor statutes unless a contrary legislative intent is expressly stated.

(H) Administrative procedures adopted pursuant to this Chapter shall not enlarge, diminish, or modify any substantive right or obligation established by ordinance or by Ohio law.

(I) The failure of the City to strictly comply with an administrative procedure established by this Chapter shall not, standing alone, invalidate an otherwise lawful response to a public records request unless otherwise required by Ohio law.

(J) Legislative Intent.

City Council declares that this Chapter is intended to establish uniform administrative procedures that promote efficient, transparent, and accountable municipal government while fully preserving the rights afforded by Ohio's Public Records Act and all applicable constitutional protections.

### 166.13 SEVERABILITY.

(A) If any section, subsection, paragraph, sentence, clause, phrase, definition, or application of this Chapter is held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions, which shall continue in full force and effect.

(B) City Council expressly declares that it would have adopted this Chapter, and each section, subsection, paragraph, sentence, clause, phrase, and provision thereof, independently of the invalidity of any other provision.

(C) If any administrative procedure established by this Chapter is determined to be invalid, the remaining administrative procedures shall continue to be administered to the fullest extent permitted by law.

(D) This Section shall be liberally construed to preserve the validity and enforceability of this Chapter and to carry out the legislative intent expressed herein.

## SECTION 5. GENERAL REPEALER.

All ordinances, resolutions, administrative directives, departmental procedures, policies, memoranda, rules, regulations, or portions thereof that conflict with the provisions of this Ordinance are hereby repealed only to the extent of such conflict. Nothing contained herein shall be construed as repealing any ordinance, resolution, or policy that may reasonably be harmonized with this Chapter.

## SECTION 6. PRESERVATION OF RECORDS COMMISSION AUTHORITY.

Nothing contained in this Ordinance or Chapter 166 shall amend, repeal, alter, diminish, or impair the authority, duties, or responsibilities of the City of Sheffield Lake Records Commission established pursuant to Chapter 164 of the Codified Ordinances and Ohio Revised Code Section 149.38.

The Records Commission shall continue to exercise exclusive authority over records retention schedules, records disposition, and records management as provided by law.

Chapter 166 governs only the administrative processing of public records requests and shall not be construed to alter any records retention requirement established by law.

## SECTION 7. LAW DIRECTOR CODIFICATION AUTHORITY.

(A) Following passage of this Ordinance, the Law Director is authorized to make such technical, ministerial, organizational, editorial, and nonsubstantive revisions as are reasonably necessary to properly codify this Ordinance within the Codified Ordinances of the City of Sheffield Lake.

(B) Such authority shall include, but not be limited to:

- (1) assigning chapter, article, section, subsection, paragraph, and subdivision numbers;
- (2) correcting typographical, grammatical, punctuation, capitalization, spelling, citation, formatting, numbering, and scrivener's errors;
- (3) updating statutory citations and internal cross-references;
- (4) conforming headings, captions, numbering conventions, and terminology to the City's codification style;
- (5) reorganizing provisions where necessary to maintain consistency with the Codified Ordinances;
- (6) making other technical or ministerial revisions that do not alter the legislative intent or substantive effect of this Ordinance.

(C) Nothing contained herein shall authorize the Law Director to:

- (1) create or eliminate any legal duty;

- (2) alter any legislative finding adopted by City Council;
- (3) expand or diminish any authority granted by this Ordinance;
- (4) modify any reporting requirement;
- (5) change any substantive right or obligation;
- (6) otherwise alter the public policy adopted by City Council.

(D) Any revision exceeding the authority granted by this Section shall require subsequent legislative action by City Council.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall take effect and be in force at the earliest time permitted by law.

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2026

	Yea	Nay	Not Voting	
Mark Cizl	___	___	___	
Romolo DeBottis	___	___	___	
Aden Fogel	___	___	___	_____
Jon Morrow	___	___	___	<i>Rocky Radeff, Mayor</i>
Cynthia Petrucci	___	___	___	
Steve Kovach	___	___	___	_____
				<i>Rosa Gee, President of Council</i>

\_\_\_\_\_

*Melody Leisure, Clerk of Council*

I, Melody Leisure, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of Ordinance #\_\_\_\_\_.  
 PASSED \_\_\_\_\_, 2026.