

RECORD OF ORDINANCES

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. _____

Passed _____, 20_____

ORDINANCE 2026-11

AN ORDINANCE TO PROVIDE FOR THE PUBLIC'S RIGHT TO ACCESS MEETINGS AND RECORDS OF THE VILLAGE OF DOYLESTOWN IN COMPLIANCE WITH OHIO'S OPEN MEETINGS ACT (OHIO REV. CODE § 121.22) AND PUBLIC RECORDS ACT (OHIO REV. CODE § 149.43), AND TO ESTABLISH POLICIES AND PROCEDURES RELATED THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, transparency, accountability, and public trust require that Village of Doylestown conduct its business in open meetings, maintain records properly, and respond to public records requests promptly, as required by Ohio law; and

WHEREAS, the Ohio Legislature has enacted the Open Meetings Act (Ohio Rev. Code Chapter 121.22) and the Public Records Act (Ohio Rev. Code § 149.43) which impose duties on public offices and bodies in regard to meetings and public records; and

WHEREAS, Village of Doylestown seeks to adopt this ordinance to formally codify its compliance with those legal requirements.

NOW, THEREFORE, BE IT ORDAINED by the Village of Doylestown Council, Wayne, Ohio, that:

SECTION 1. DEFINITIONS

Public Body means any legislative authority, board, commission, committee, subcommittee, or other decision-making body of Village of Doylestown or any other entity subject to Ohio Rev. Code § 121.22.

Meeting means any pre-arranged discussion of the business of the public body by a majority of its members. § 121.22(B) & (C).

Special Meeting means a meeting other than a regular meeting.

Emergency Meeting means a special meeting called upon immediate notice when immediate official action is required. § 121.22(F).

Executive Session means a portion of a meeting closed to the public under one of the specific exceptions listed in Ohio law. § 121.22(G) & (J).

Public Record / Public Records means all documents, papers, letters, maps, books, photos, recordings, or other materials, regardless of physical form or characteristic, that are created, received, possessed, or used by the public office under its jurisdiction, and which are public records under Ohio law. See Ohio Rev. Code § 149.43.

SECTION 2. OPEN MEETINGS (OHIO REV. CODE § 121.22 COMPLIANCE)

Regular Meetings: The public body shall fix by rule a schedule of its regular meetings (time, place), and that schedule shall be available to the public.

Notice of Meetings:

- a. Notice of regular meetings shall be given as required by rule.
- b. Notice of special meetings shall be given at least twenty-four (24) hours in advance to the news media that have requested notification. § 121.22(F).
- c. In the case of emergency meetings, immediate notification shall be given to those news media that requested notice. § 121.22(F).

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Agenda: When reasonably practicable, the agenda shall state the business to be considered at the meeting, particularly for special or emergency meetings.

Open to the Public: All meetings of the public body shall be open to the public at all times except as otherwise permitted by law. § 121.22(C).

Executive Sessions: A meeting, or portion thereof, may be closed (executive session) only after a roll-call vote of a majority of a quorum of the public body, taken at a regular or special meeting, and only for one or more of the purposes expressly allowed by Ohio law (e.g., employment, dismissal, discipline; purchase or sale of property; attorney consultation; collective bargaining; security arrangements; etc.). § 121.22(G).

Minutes:

a. Minutes of regular, special, and executive sessions (to the extent required) shall be promptly prepared, filed, and maintained. § 121.22(C).

b. Minutes of meetings shall be open to public inspection.

c. In executive sessions, only the general subject matter of the discussions need be reflected in the minutes. § 121.22(C).

Quorum and In-Person Requirement: A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote, and for determining whether a quorum is present. § 121.22(C).

Virtual Meetings: In accordance with Ohio Rev. Code § 121.221:

a. A member may attend a meeting by teleconference, videoconference, or similar technology if the public body has first adopted a written policy in compliance with § 121.221.

b. The policy shall provide for advance notice to the chair when a member will attend virtually, public access to the meeting, roll-call voting for all actions, and advance public notice including access instructions.

c. Members attending virtually shall be considered present, count toward quorum, and may vote, except where prohibited by law, including votes on major nonroutine expenditures, significant hiring decisions, or tax approvals.

d. If at least 10% of the members or at least two members (whichever is greater) request that a matter be considered in person, that item shall be handled only at an in-person meeting.

Invalid Actions: Any formal action by the public body must be taken at a meeting open to the public. Any action taken at an executive session improperly held is void. § 121.22(H).

Enforcement / Remedies:

a. Any person may bring an action in court (common pleas) to enforce the Open Meetings Act. § 121.22(I).

b. If a court finds a violation, it may issue an injunction and assess a civil forfeiture. § 121.22(I)(2).

SECTION 3. PUBLIC RECORDS (OHIO REV. CODE § 149.43 COMPLIANCE)

Custodian of Records: Village of Doylestown shall designate a Records Custodian (or Records Manager) to handle public records requests. Contact information shall be publicly posted.

Public Records Policy:

a. A written public records policy shall be adopted in compliance with Ohio law. § 149.43(E)(2).

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b. The policy shall include procedures for making requests, applicable fees, redactions/exemptions, and the organization/maintenance of records.

Training Requirements: All elected officials (or their designees) must complete Attorney General-approved public records training every term of office. § 149.43(E)(1).

Response to Requests:

a. Public records requests shall be honored promptly; inspection or copies made available in a reasonable period of time. § 149.43(B).

b. If a request is ambiguous or overly broad, the public office may deny it but must give the requester an opportunity to revise the request by explaining how records are maintained and accessed. § 149.43(B)(2).

c. If part of a record is exempt, the remaining non-exempt portions must be made available; redactions must be plainly visible, and requester notified of the exemption. § 149.43(B)(1).

Cost / Fees:

a. The public office may require advance payment of fees for copying or producing records. § 149.43(B)(6)-(7).

b. For public records requests involving law enforcement video (body camera, dash camera, jail surveillance, etc.):

An estimated cost shall be provided within five (5) business days.

The office may charge up to seventy-five dollars (\$75) per hour of staff time to review, redact, and produce such recordings, capped at seven hundred fifty dollars (\$750) per request.

If actual costs exceed the estimate by more than twenty percent (20%), the requester must be notified in advance.

c. The public office will publish in its Public Records Policy the cost/fees associated with each type of record.

Record Retention & Organization:

a. The office shall keep a current records retention schedule, which must be available publicly. § 149.43(B)(2).

b. Records shall be organized and maintained so that they may be readily available for inspection or copying.

Poster and Publication Requirements:

a. The public office shall create a poster describing its records policy and post it conspicuously in its offices (and branches). § 149.43(E)(2).

b. If the office has a website, it shall publish its public records policy there.

Exemptions: The following records are exempt from disclosure consistent with Ohio law:

a. Certain communications of legislators and staff until the commencement of the next legislative session.

b. Other records falling within statutory exemptions under Ohio Rev. Code § 149.43(A)(1).

c. Emails or communications sent from personal accounts that are not used to conduct public business.

Legal Remedies for Noncompliance:

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- a. If a requester is aggrieved by failure of the public office to comply, the requester may file a complaint with the office, and if not cured within three business days, may file a mandamus action in court. § 149.43(C)(1).
- b. Statutory damages may be awarded for each business day during which the office fails to comply after a mandamus is filed, up to a maximum of one thousand dollars (\$1,000). § 149.43(C)(3).

SECTION 4. SEVERABILITY

If any provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that invalidity does not affect the remaining provisions which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable.

SECTION 5. EFFECTIVE DATE / EMERGENCY

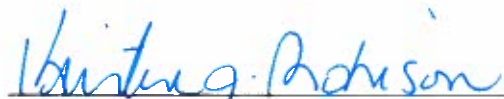
This ordinance is declared to be an emergency measure for the immediate preservation of the public peace, health, safety, and for the usual daily operations of municipal government so that Village of Doylestown can comply with Ohio's Sunshine Laws without delay, and it shall take effect immediately upon adoption by Council.

PASSED:

Attest:



Terry L. Lindeman, Mayor



Kristen J. Robison, Clerk of Council

Kristen J. Robison, Clerk of Council

**VILLAGE OF DOYLESTOWN
PUBLIC RECORDS REQUEST POLICY**

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 Village of Doylestown 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 as any document in any format — paper, electronic (including, but not limited to, business e-mail), or other format — that is created, received by, or comes under the jurisdiction of the Village of Doylestown and 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 shall be organized and maintained in such a manner that they can be made available for inspection and copying in accordance with law.

RESPONSE TIMEFRAME

Public records shall 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.

The terms "prompt" and "reasonable" take into account:

- The volume of records requested
- The proximity of the location where the records are stored
- The necessity for legal review and redaction
- Other facts and circumstances of the records requested

It is the goal of the Village of Doylestown that all requests for public records be acknowledged in writing or, if feasible, satisfied within three (3) business days following receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

A requester is not required to put a records request in writing and is not required to provide his or her identity or the intended use of the requested public record(s). It is the Village's general policy not to request this information.

However, the law permits the Village to ask for a written request, the requester's identity, and/or the intended use of the information requested only if:

1. A written request or disclosure of identity or intended use would benefit the requester by enhancing the Village's ability to identify, locate, or deliver the public records; and
2. The requester is first informed that a written request is not required and that the requester may decline to reveal his or her identity or intended use.

The Village is not required to create new records or conduct research in response to a public records request. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Village's standard use of sorting, filtering, or querying features.

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Although not required by law, the Village may consider generating new records when practical and reasonable under the circumstances.

When a request is made for inspection of original public records, a Village employee may accompany the requester during inspection to ensure that original records are not removed, altered, or damaged.

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 educating employees and the public regarding obligations under Ohio's Public Records Act, Open Meetings Act, records retention laws, and the Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, instant messaging, or other electronic communication — including those sent or received via hand-held communication devices — shall be treated in the same manner as records in other formats.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure if it documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village of Doylestown.

All employees and representatives of the Village are required to retain e-mail and other electronic records in accordance with applicable records retention schedules.

Public records maintained in electronic format shall be provided in an electronic format upon request, provided the records are reasonably capable of being duplicated as an integral part of the Village's normal operations.

If a requester asks that electronic records be provided on a flash drive (USB storage device), the requester must supply the flash drive at his or her own expense. The Village will copy the requested public records onto the flash drive provided, so long as the device is compatible with Village systems and does not pose a security risk. The Village reserves the right to refuse any storage device that is incompatible, compromised, or presents a risk to its information technology systems.

There is no charge for electronic records transmitted via e-mail. Any costs associated with alternative methods of delivery shall be limited to the actual cost of the medium or delivery method, as permitted by law.

DENIAL AND REDACTION OF RECORDS

If a requester makes an ambiguous or overly broad request, or has difficulty making a request such that the Village cannot reasonably identify the records being requested, the request may be denied. However, the Village must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed.

If the Village withholds, redacts, or otherwise denies requested records, it shall provide an explanation, including legal authority, for the denial. If the initial request was made in writing, the explanation shall also be in writing.

If portions of a record are public and portions are exempt, the exempt portions shall be redacted and the remainder released. The Village shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

The public office may require advance payment of fees for copying or producing records. § 149.43(B)(6)-(7).

Paper copies: \$0.10 per page.

If electronic records are requested on a flash drive, the requester must provide the flash drive at his or her own expense.

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A requester may be required to pay in advance for the actual costs involved in providing copies, § 149.43(B)(6)-(7).

For public records requests involving law enforcement video (body camera, dash camera, jail surveillance, etc.):

- An estimated cost shall be provided within five (5) business days.
- The office may charge up to seventy-five dollars (\$75) per hour of staff time to review, redact, and produce such recordings, capped at seven hundred fifty dollars (\$750) per request.
- If actual costs exceed the estimate by more than twenty percent (20%), the requester must be notified in advance.

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 the Village determines can reasonably be duplicated as an integral part of normal operations.

If a requester asks that documents be delivered, he or she may be charged the actual cost of postage and mailing supplies or other actual costs of delivery.

*There is no charge for documents transmitted via e-mail.

* If responsive records contain information that the Village determines must be transmitted through secure electronic delivery, the requester must provide an e-mail address capable of receiving secure or encrypted communications. The Village is not responsible for a requester's inability to receive secured electronic transmissions.

If the requester is unable to receive secure electronic delivery, the records may be provided through an alternative method permitted by law, and applicable duplication or delivery costs may apply.

MANAGING RECORDS

The Village of Doylestown's records are subject to applicable records retention schedules.

The Village's current records retention schedules are available for public inspection at:

Village Hall
24 S. Portage Street
Doylestown, Ohio 44230

This location is readily available to the public as required by Ohio Revised Code § 149.43(B)(2)

