

RECORD OF ORDINANCES

Ordinance No. 41-2025

Passed August 18, 2025

AN ORDINANCE TO REVISE 6.10 PUBLIC RECORDS POLICY AND THE ADDITION OF THE POLICY AS REVISED TO THE VILLAGE EMPLOYEE HANDBOOK

WHEREAS, recently the State of Ohio enacted legislation, Ohio House Bill 315, amending Ohio Revised Code Section 149.43(B)(1), that allows law enforcement agencies to charge for the estimated cost of processing the body camera and car camera video, and

WHEREAS, at its August 4th meeting Village Council by motion adopted a policy to change requestors the maximum \$75 an hour for work to , with a fee cap of \$750 for each request, to retrieve, download, review, redact, seek legal advice regarding said request(s) and then to and to then produce the video record(s), and

WHEREAS, Brewster Village Council desires to revise its 6.10 Public Records Policy to centralize and incorporate the policy adopted by Council at its August 4th Meeting by motion to change requestors the maximum \$75 an hour for work to , with a fee cap of \$750 for each request, to retrieve, download, review, redact, seek legal advice regarding said request(s) and then to and to then produce the video record(s), and

WHEREAS, Village Council wishes to pass this ordinance on an emergency basis to not only to better formalize the policy adopted by Council at its August 4th Meeting by motion, but to facilitate its ability to distribute to employees, the general public, and to any persons requesting Police Department Video Record(s).

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall revise its 6.10 Public Records Policy as defined below and shall add said revised policy to the Village Employee Handbook as follows:

A. General Policy

It is the belief of the Village of Brewster that openness leads to a better informed citizenry, which, in turn, leads to better government and better public policy. Accordingly, it is the policy of the Village of Brewster to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense. Any 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 must also be in writing.

B. Public Records (Defined)

The Village of Brewster, 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 records of the Village of Brewster are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

C. Records Retention

It is the policy of the Village of Brewster that, as requested by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying. Record retention schedules are to be updated regularly and posted prominently.

D. Policy Concerning Electronic Records

Documents in electronic mail format (e-mail) are records as defined by the Ohio Revised Code when their content relates to the conduct of public business of the Village of Brewster and are subject to disclosure. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

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Records in private e-mail accounts used to conduct public business are subject to disclosure and all employees or representatives of the Village of Brewster are instructed to retain their e-mails that relate to public business and copy them to their business e-mail accounts and/or the designated records custodian.

For additional guidance on electronic records, please refer to the separate policy regarding electronic records (Internet, E-mail, & Online Services Policy)

E. Records Requests (General Provisions)

Each request for public records shall be evaluated for a response using the following guidelines:

- 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 will contact the requester for clarification, and will assist the requester in revising the request by informing the requester of the manner in which the office keeps 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, except as required below.
- An individual may be limited to 10 records requests per month that are to be forwarded by mail unless the request certifies in writing that the records will not be used for commercial purposes.
- Public records will be available for inspection during regular business hours (8 am to 3:30 pm), with the exception of published holidays.
- Public records will be made available for inspection in a prompt manner.
- Copies of public records will be made available within a reasonable period of time.
- Each request shall be evaluated, on an individual basis, regarding the estimated length of time required to gather and duplicate the records (see definitions of Routine and Non-Routine requests below).

F. Prompt inspection, or copies within a reasonable period of time.

There is no set, predetermined time period for responding to a public records request.

The Village will provide "prompt" production of records for inspection, meaning that the records will be produced "without delay" and "with reasonable speed." Similarly, the Village will provide copies of requested records in a "reasonable period of time." These terms do not mean "immediately," or "without a moment's delay".

The reasonableness of the time taken for each depends on the facts and circumstances of the particular request. "Prompt" and "reasonable" take into account time spent on the following response tasks will contribute to the amount of time it takes to promptly or reasonably respond to requests in a specific circumstances:

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Identification of Responsive Records:

- Clarify or revise request; and
- Identify records.

Location and Retrieval:

- Locate records and retrieve from storage location, e.g., file cabinet, branch office, off-site storage facility; and
- Volume of records requested, and
- The proximity of the location where the records are stored.

Review, Analysis, and Redaction:

- Examine all materials for possible release;
- Perform necessary legal review and/or consult with knowledgeable parties;
- Redact exempt materials; and
- Provide explanation and legal authority for all redactions and/or denials.

Preparation:

- Obtain requester's choice of medium; and
- Make copies.

Delivery:

- Wait for advance payment of costs; and/or
- Deliver copies or schedule inspection.

G. Routine Records Requests (Definition and Procedures)

Routine requests for records will be satisfied immediately (if it is feasible to do so). Routine requests include, but are not limited to, meeting minutes, 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 will be made as quickly as the equipment allows. If more copies are requested, arrangements should be made with the requester regarding when the copies or computer files can be picked up or sent to the requester.

H. Non-Routine Record Requests (Definition and Procedures)

1. In the case of "non-routine requests", such as those seeking a voluminous number of copies or requiring extensive research, an acknowledgment of the request shall be given, in a reasonable period of time, which will include the following:
 - an estimated number of business days it will take to satisfy the request; and
 - an estimated cost if copies are requested; and
 - any items within the request that may be exempt from disclosure.

2. Requests for Police Department Video Record(s) for Inspection or Providing a Video Record for Production.

- a) Police Department Video Record(s) includes but may not be limited to body camera video and/or car camera video.
- b) The time to respond to a request(s) for body camera video(s) and/or car camera video(s) is a non-routine request which will take time to respond

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to as listed in Ohio Revised Code Section 149.43(B)(1) it requires time to retrieve, download, review, redact, seek legal advice regarding said request(s) and then to and to then produce the video record(s).

c) **COST:** In accordance with the provisions of Pursuant to Ohio Revised Code Section 149.43(B)(1), the Village of Brewster Police Department will:

- charge a requester the actual cost associated with preparing a video record for inspection or production, not to exceed seventy-five dollars per hour of video produced, nor seven hundred fifty dollars total.
- "Actual cost," with respect to video records only, means all costs incurred by the state or local law enforcement agency in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request.
- The Village of Brewster Police Department is hereby including in its public records policy the requirement **that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production.**
- In accordance with Ohio Revised Code Section 149.43(B)(1) because the Village of Brewster has imposed such a requirement the requirement that a requester pay the estimated actual cost before beginning the process of preparing a video record for inspection or production, its obligation to produce a video or make it available for inspection begins once the estimated actual cost is paid in full by the requester.

I. Denials and Redactions

Any denial of public records requested will include an explanation, including the legal authority justifying the denial. If portions of a record are public and portions are exempt, the exempt portions will be redacted and the remainder released. If there are redactions, each redaction will be accompanied by a supporting explanation, including the legal authority justifying the redaction.

J. Costs for Copies of Public Records

With the exception for requests for Police Department video record(s) for inspection or providing a video record for production as outlined in H 2 c) above, those seeking public records will be charged only the actual cost of making copies or furnishing compact discs. The charge for paper copies will be 5 cents per each page, with the exception of procurement of copies of police and fire reports, which, as established in Ordinance 2004-87, has the following fee schedule:

Pages 1-19: No Charge
20 pages or more: \$.05 per page

There will be no charge for documents that are able to be e-mailed.

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

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SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance is being passed on an emergency basis to formalize further the policy adopted by Council at its August 4th Meeting by motion, so that it can be distributed to both employees, to the general public, and to any persons requesting Police Department Video Record(s), and shall be in full force and effect upon adoption.

Charles B Hawk

Mayor Charles B. Hawk

ATTEST:

K. Kris King

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of a resolution passed at a regular meeting of the Brewster Village Council held on August 18, 2025.

K. Kris King

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Brewster Barber Shop, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

K. Kris King

Clerk K. Kris King