

ORDINANCE NO. 2025-08

AN ORDINANCE AMENDING THE VILLAGE OF PERRY PUBLIC RECORDS POLICY TO PERMIT FEES FOR VIDEO RECORDS INCLUDING BODY CAMERA FOOTAGE AS AUTHORIZED BY OHIO HOUSE BILL 315 AND OHIO REVISED CODE SECTION 149.43 AND DECLARING AN EMERGENCY

WHEREAS, Ohio House Bill 315 and ORC §149.43 authorize municipalities to impose fees for the processing and redaction of public records related to body-worn camera footage and other departmental video recordings; and

WHEREAS, the Village of Perry desires to update its Public Records Policy to reflect this authority while maintaining full compliance with the Ohio Public Records Act;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Perry, Lake County, Ohio:

SECTION I: AMENDED PUBLIC RECORDS POLICY

The Village of Perry hereby adopts the following amended Public Records Policy in its entirety, including the addition of **Section G** outlining fee authority for video-related public records processing:

**VILLAGE OF PERRY, LAKE COUNTY, OHIO
PUBLIC RECORDS POLICY.**

1. 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 Perry to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

2. SCOPE

This policy applies to all Elective, full-time or part-time employees; permanent, temporary, or intermittent employees; interns and externs; consultants; contractors of the Village of Perry, and any other holders of the Village of Perry records.

3. DEFINITION OF 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 Village of Perry that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Village of Perry.

A “public record” is a “record” that is being kept by the Village of Perry at the time a public records request is made, subject to applicable exemptions for 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.

4. PROVISIONS

A. Applicable Timeframes

1. Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly.
2. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account a 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.
3. Generally, 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.

B. Handling Requests

1. 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. 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.
2. An electric 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.
3. 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. However, the law does permit the office to ask for a written request, the requestor’s identity, and/or the intended use of the information requested, but only (1) if a written request or disclosure of identity or intended use would benefit the requestor by enhancing the office’s ability to identify, locate, or deliver the public records that have been requested; and (2) after first telling the requestor that a written request is not required and that the requester may decline to reveal the requestor’s identity or intended use.

4. In processing a request for inspection of a public record, an office employee must accompany the requester during inspection to make certain original records are not taken or altered.

5. A copy of the most recent edition of the Ohio Sunshine Laws manuals is available at <https://ohioattorneygeneral.gov/YellowBook> for the purposes of keeping employees of the office, and the public, educated as to the office's obligations under the Ohio Public Records Act, Open Meeting Act, records retention laws, and Personal Information Systems Act.

C. Electronic Records

1. 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.

2. Public records 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.

D. Denial and Redaction of Records

1. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Village of Perry cannot reasonably identify what public records are being requested, the request may be denied, but the Village of Perry 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 Village of Perry.

2. If the Village of Perry 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 some portions of a record are public and other portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspections or copying, the Village of Perry shall notify the requestor of any redaction or make the redaction plainly visible.

E. Copying and Mailing Costs

1. Those seeking public records may be charged only the actual cost of making copies, not labor, except as provided in Section G. Video Records Processing Fees. The charge for paper copies is five (5) cents per page. The charge for electronic files downloaded to a compact disc is one dollar (\$1.00) per disc.

2. A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon

the same medium in which the public record is kept, or upon any other medium on which this office determines that the record can reasonably be duplicated as an integral part of the Village of Perry normal operations.

3. 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.
4. There is no charge for e-mailed documents.

F. Managing Records

The Village of Perry records are subject to records retention schedules. The office's current schedules are available at The Village of Perry, 3758 Center Rd., Perry, OH 44081, a location readily available to the public as required by Ohio Revised Code 149.43(B)(2).

G. Video Records Processing Fees

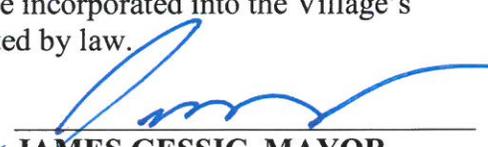
Pursuant to Ohio House Bill 315 and Ohio Revised Code §149.43, the Village of Perry may charge fees for the processing of public records requests related to video, including but not limited to: body camera footage, mobile video recording systems, and departmental video systems. Such charges shall be structured as follows:

- **Hourly Rate:** Fees for processing video record requests shall include the hourly rate for personnel involved in handling, reviewing, redacting, and reproducing the requested records, not to exceed **\$75.00 per hour**.
- **Fee Cap:** Total charges for redaction, copying, processing, and any associated tasks shall not exceed **\$750.00 per request**.

These fees shall be applied transparently and documented in accordance with statutory requirements, with clear notice provided to the requestor.

SECTION II: EFFECTIVE DATE

This Ordinance is hereby declared to be an emergency measure to provide for the prudent and efficient administration of Village government, and shall be incorporated into the Village's official Public Records Policy at the earliest period permitted by law.



JAMES GESSIC, MAYOR

ADOPTED: September 12, 2025

ATTEST: 

JOHN H. ROSKOS, FISCAL OFFICER

FIRST READING 7/31/25
SECOND READING 8/14/25
THIRD READING 9/18/25