

ORDINANCE NO. 129-13

**AN ORDINANCE TO AMEND SECTION 209.04 OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON AS IT PERTAINS
TO COSTS ASSOCIATED WITH CERTAIN PUBLIC RECORDS REQUESTS
AND DECLARING AN EMERGENCY**

WHEREAS, Council passed Ordinance No. 162-07 on December 26, 2007, adopting Chapter 209 and thereby codifying the City's Public Records Policy; and

WHEREAS, Section 209.04 established a cost schedule for all public records requests made to the City; and

WHEREAS, the Administration, together with the Clerk of Council, deems it necessary to modify §209.04 to add a section clarifying that any costs incurred by the City to satisfy a request would be passed on to the requestor; and

WHEREAS, Council, upon the recommendation of the Administration and its Clerk, finds that the proposed amendment to be appropriate and in the best interests of the health, safety and welfare of the citizens of Avon in maintaining a reasonable cost structure for copies of public records.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 209.04 which currently reads:

209.04 COSTS FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies. The costs for public records are as follows:

- (a) 8 ½ x 11, 8 ½ x 14 or 11 x 17 inch paper is Five Cents (\$.05) per page. There shall be no charge for copies on 8 ½ x 11, 8 ½ by 14 or 11 x 17 inch paper that does not exceed 19 pages.
- (b) Certified copies of any written document shall be One Dollar (\$1.00) per page.
- (c) The charge for downloaded computer files to a compact disc is \$1 per disc.
- (d) There is no charge for documents e-mailed.
- (e) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- (f) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

Shall be amended as follows: **(New language in bold print)**

209.04 COSTS FOR PUBLIC RECORDS

Those seeking public records will be charged only the actual cost of making copies. The costs for public records are as follows:

- (a) 8 ½ x 11, 8 ½ x 14 or 11 x 17 inch paper is Ten Cents (\$.10) per page. There shall be no charge for copies on 8 ½ x 11, 8 ½ by 14 or 11 x 17 inch paper that does not exceed 19 pages.
- (b) Certified copies of any written document shall be One Dollar (\$1.00) per page.
- (c) The charge for wide-format paper copies is \$.50 per square foot.
24" x 36" is \$3.00 per sheet (6 square feet x \$.50 per sq ft)
24" x 48" is \$4.00 per sheet (8 square feet x \$.50 per sq ft)
- (d) The charge for downloaded computer files to a compact disc is \$2.00 per disc.
- (e) There is no charge for documents e-mailed, except in the instance when paper larger than 11 x 17 is scanned and then e-mailed. In this instance, the charge is \$2.00 per file e-mailed.
- (f) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
- (g) **Any cost for materials incurred by the City to fulfill a public records request will be the responsibility of the requester.**

Section 2 - The City's codifier is hereby instructed to make the necessary changes to the existing Codified Ordinances to reflect the amendments contained herein.

Section 3 - That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to amend Section 209.04 to as it pertains to costs associated with reproducing certain public records; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

Ordinance No. 129-13 (Con't)

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director