



Introduced: 1/3/2022
Revised:
Adopted:
Effective:

CITY OF PATASKALA

ORDINANCE 2022-4408

AN ORDINANCE TO AMEND SECTION III (FEES) OF THE CITY OF PATASKALA PUBLIC RECORDS POLICY

WHEREAS, the City of Pataskala Records Commission met on August 16, 2021. During this meeting, the Commission discussed the fact that most public records are produced electronically and therefore photocopies are not being made. The Commission also discussed the administrative challenge of sending an invoice for a “small” public records request; i.e., creating, processing, sending, and collecting on a \$0.45 invoice (the current fee for nine photocopies) or a \$0.37 invoice (the current fee for one CD with a dash camera video on it); and

WHEREAS, the Records Commission recommended the \$0.05 photocopy fee be eliminated for all photocopying projects where the fee would be less than \$5.00 (or 100 photocopies); and

WHEREAS, the Records Commission recommended the \$0.37 fee be eliminated for all copying projects requiring a CD where the fee would be less than \$5.00 (or 14 CD’s); and

WHEREAS, the Records Commission also recommended updating the language in Section III by removing outdated terms/technology; i.e., video tapes and cassettes; and

WHEREAS, Council for the City of Pataskala wants to take the Records Commission’s recommendations and amend the City’s Public Record Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF ALL MEMBERS ELECTED OR APPOINTED THERETO CONCURRING:

Section 1: Section III of the City of Pataskala Public Records Policy shall be amended to read as follows:

- A. In accordance R.C. 149.43, the following fees for providing copies or reproductions of public records has been established:

1. For photocopies of either letter- or legal-size documents, there shall be no fee charged for the first 100 pages copied. If a public record request requires the City to make more than 100 photocopies, the fee shall be \$0.05 per photocopy, calculated from the first photocopy. Advance payment is required before any photocopies will be made. A requester cannot intentionally divide a public records request into subparts for the sole purpose of not paying the photocopy charge. If the City determines, at its sole discretion, that a requestor has intentionally divided a public records request into subparts in order to not pay the photocopy charge, the City Administrator can require \$0.05 per photocopy be charged and paid before any photocopies will be made.
2. For any type of electronic or digital media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may be charged only if a commercial or professional service is retained to make the copy.
3. If a public record request requires the City use a CD in order to transmit the public record(s), the fee shall be \$0.37 per CD. This fee shall be waived if the public records can be placed on 14 or fewer CD's. If they cannot, the fee shall be calculated from the first CD. Advance payment is required before any copies will be made and placed on a CD. A requester cannot intentionally divide a public records request into subparts for the sole purpose of not paying for a CD. If the City determines, at its sole discretion, that a requestor has intentionally divided a public records request into subparts in order to not pay for a CD, the City Administrator can require \$0.37 per CD be charged and paid before any copies will be made and placed on a CD.
4. The actual cost of delivery or transmission (i.e., packaging, postage, and any other costs of the method of delivery or transmission chosen by the requester) also shall be charged.

The City has no obligation under the Ohio Public Records Act to provide, and will not provide, free copies to someone who indicates an inability or unwillingness to pay for requested records.

Section 2: All other sections and sub-sections of the City of Pataskala Public Records Policy shall remain unchanged, in effect, and valid.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any decision-making bodies of the City that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements.

Section 4: This Ordinance shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director