

DRAFT
MINUTES OF THE MAYFIELD VILLAGE
RECORDS COMMISSION MEETING
Mayfield Village Civic Hall - Mayfield Village Civic Center
Tuesday, October 12, 2021 – 10:30 a.m.

The Records Commission met on Tuesday, October 12, 2021 in Mayfield Village Civic Hall at the Mayfield Village Civic Center. Mayor Bodnar called the meeting to order at 10:30 a.m.

Present: Mayor Brenda Bodnar
Director of Administration Diane Wolgamuth
Jim Budzik, Esq. (Law Dept.)
Finance Director Ron Wynne
Randy Weltman (Resident)

Also Present: Mary Betsa, Council Clerk/Records Custodian
Diane Wolgamuth, Director of Administration
Chief Paul Matias
Danielle Echt (Parks and Recreation Dept.)

Absent: Lorry Nadeau (Resident)
Patsy Mills, Council Representative

• **Mayor's Designation of Chairperson**

Mayor Bodnar stated, Randy, you were the Chair last year. Would you like to serve again?

Mr. Weltman replied, yes.

Mayor Bodnar stated, Mr. Weltman will be the Chair of the Records Commission and will take over this meeting.

• **Approval of Minutes from October 5, 2020**

Mayor Bodnar, seconded by Mr. Budzik, moved to approve the Minutes of October 5, 2020. There was no opposition. Minutes were approved as written.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Minutes of October 5, 2020
		Approved as Written

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Review and approval of updated Public Records Policy with Records Request Form and Departmental Signage

With regard to the updated Public Records Policy, Ms. Wolgamuth stated, the only change since the last meeting was the amount of time within which to respond to a records request.

Mr. Budzik stated, it was changed to up to 8 days or how much time the Village would need to provide the record. This was in accordance with cases stating that 5/8/10 days was reasonable.

Ms. Wolgamuth stated, Section 4 has been revised to state an eight-day timeframe or when ready to be produced.

Mr. Weltman stated, I reviewed it based on the changes put in here. It's as updated as it needs to be.

Mayor Bodnar, seconded by Mr. Budzik, moved to approve the updated records policy, records request form and signage.

Roll Call: AYES: All
 NAYS: None

Motion Carried
Records Policy, Records Request
Form and Signage Approved

With regard to a request for documents form, Chief Matias noted that on our request form at the bottom, we include a disposition box which includes the person giving the information and what was provided. We also note that the requestor does not need to identify himself or submit the request form. It is then completed by Maura with as much information as she has.

Ms. Wolgamuth stated, the updated Request for Public Records form will include date request received, date of response, number of documents, amount received (if paper copies) and the signature of the responder.

Discussion ensued relative to charges for production of records. Ms. Wolgamuth stated that pursuant to the policy, there is no charge for the first 20 pages. Additional copies will be provided at the cost of .05 for each black and white copy and .10 for each color copy, payable in advance.

Discussion also ensued concerning the cost of a program which redacts information to make it simpler. Mr. Budzik indicated that there's not a lot of information redacted.

Chief Matias asked about the cost of burning CAD records on to DVD's or flash drives.

Mr. Budzik indicated that you should be charging the actual cost.

Chief Matias will ask Maura.

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Mr. Weltman asked, does the Village have a way to log their response to every request?

Mrs. Betsa replied, it is a recommended best practice to maintain a log. However, I have been asked to produce it during our audits. The log includes the date of the request, the name, if provided of the requestor, the type of records requested, the date of release, the legal authority for any redactions and the name of the person fulfilling the request.

. Review and approval of updated RC-2 Records Retention Schedule

The Commission members received the updated RC-2 Records Retention Schedule by e-mail and paper copies were made available at the meeting by Ms. Wolgamuth. Ms. Wolgamuth explained that with regard to the media type, she learned that the Ohio History Connection does not feel that "Paper/Electronic" is properly descriptive. They suggest "Paper & Electronic" or "Paper Until Scanned" or "Electronic until Printed." Because this is so dependent upon the actual document, the schedule has been revised to remove Paper/Electronic and replace it with Paper & Electronic.

Ms. Wolgamuth reported that the main item still to be addressed in the RC-2 are the images captured by Gatso as part of the Police Department's Speed Photo Enforcement Program. Chief Matias is checking with Gatso to determine how long images, both those that result in tickets and those that do not, are retained. Ms. Wolgamuth will update the retention period based on the information received.

Ms. Wolgamuth stated each record has been assigned a Schedule #. For records retained by various departments, "all" or "multiple" has been notated.

Ms. Wolgamuth stated in 2011, an additional column was added to the RC-2, "RC-3 Required by OHS-LGRP". If the Historical Society or Auditor of State deems it necessary that an RC-3 be submitted for a record prior to destruction, they will notate that by checking the box.

The Commission reviewed the schedule. Mr. Weltman asked what the procedures were when a department receives a public records request. Mrs. Betsa explained that when a department receives a request, it is either sent to her or sent to the Law Department with a copy to her. Depending upon the complexity of the request, it may require Law Department review. For requests such as a copy of Minutes or an Application for Employment, for example, immediate responses are provided. For requests requiring Law Department review, responses are provided by them within a day or so and I receive a copy of the response which I put in my file as Records Custodian.

Mr. Budzik added, if there is a need for redaction of the record, provided it falls under the exception list, the document is redacted and the reason therefor noted to the requestor.

Ms. Wolgamuth stated, I will hold off on sending the Schedule to the State until our next meeting in the event there is a need to change it again.

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Mr. Weltman suggested the Schedule be tabled until the next meeting based upon discussions.

. **Review and approval of RC-3 Certificates of Records for Disposal**

- **Finance Department**
- **Civil Service Commission office**

Ms. Wolgamuth stated, the Commission should have received the RC-3's, request for disposal of records in their packets. These requests must be reviewed by the Records Commission and their disposal approved of. The forms will also be sent to the Ohio Historical Society. If we do not hear from them in 15 days, we can destroy the documents listed on the RC-3's.

. **Motion to dispose of records listed on the RC-3 of the Finance Department and Civil Service Commission**

Mayor Bodnar, seconded by Mr. Weltman, moved to dispose the records listed on the RC-3 of the Finance Department and Civil Service Commission.

Roll Call: AYES: All
 NAYS: None

Motion Carried
RC-3 of the Finance Department
And Civil Service Commission
Approved – Destruction Approved

. **Any other matters**

Ms. Wolgamuth stated to the Commission that she had attended a number of webinars this year on Records Management. Highlights of the webinars were shared with the Commission and a copy of Ms. Wolgamuth's notes are attached to the Minutes.

Mayor Bodnar thanked Diane on doing all the legwork on all of this.

. **Next Meeting**

The next meeting was scheduled for Tuesday, November 9th at 10:00 a.m. At that time, the Commission will review and consider approval of the updated documents and forms.

The meeting concluded at 11:15 a.m.

Respectfully submitted,

Mary E. Betsa, MMC
Council Clerk/Records Custodian

DW Notes from Records Management Basics and Electronic Records Ohio History Connection Webinars (9-3-21)

Up to each local gov't and its Records Commission to set retention periods. Do not have to follow State's recommendations.

Records falls into Administrative, Fiscal, Legal and Historical categories. Some records are needed for audits, some until legal rights (statutes of limitations) expire. When determining how long to keep a record, consider if the individual could continue to do their work without the record. Items of historical value contain "significant information regarding people, places or events." (Example is census data).

The RC-2 (Retention Schedule) is meant to be a living document and continually changed and updated. It is meant to be provided to the public to tell people up front what documents the local gov't keeps.

The Schedule Number on the RC-2 is determined by the local gov't and should be based on what works for the organization. Can be one large schedule and does not have to be broken up by Department.

Email should be retained based upon the content of the email. Email is not a record series, so the RC-2 should not set a specific retention period for email itself. Can note in the RC-2 that email should be retained based upon its content.

The medium should not be listed as "paper/electronic" as that does not provide adequate description. Change to "paper and electronic", "paper until scanned", "microfilm" or "electronic until printed."

Not recommended to scan documents just to be paperless. If document is close to end of retention period, don't bother.

For RC-2's approved after 2011, the State will check the box to show which records require an RC-3 (Certificates of Records for Disposal) prior to disposal. RC-3's should be approved for records older than 50 years or if required by State. Even if an RC-3 is not required, the local gov't should still keep track of disposal of records. Once an RC-3 is sent to the State, the local gov't must wait 15 days. If we hear nothing, can go ahead with disposal.

The RC-2 can be sent electronically to the State for approval via email.

An RC-1 is used to dispose of obsolete records that are not listed on the RC-2 schedule. This form is for one-time disposal of obsolete records.

ELECTRONIC RECORDS

Electronic records are public records because they are made and received by the gov't, are on a fixed medium, and document the business of the office.

Electronic records are easy to access, at a low cost, and require less physical storage space.

Downsides: Electronic records are hardware and software dependent—software becomes obsolete, drives change, and the document might no longer be in a readable format. Digital recovery can be expensive. Electronic records designated as "permanent" or retained for long periods, must be migrated to newer formats. Usually for electronic documents retained less than 10 years, digital only is okay.

Email:

Email is a format, not a record, and should be evaluated for disposal by content. Most emails will likely fall under retention period for “correspondence.” Personal email that is work-related is also a public record.

*Emails within an agency – the originator of the record is responsible for keeping the record.

*Emails from outside the agency – the receiver is responsible for keeping the record.

Recommendations re: Email

- The entire conversation or thread should be preserved. The earlier emails are UNLAN.
- When an email is saved, it should include the header, body and any attachments.
- Record keepers must be able to determine between transient messages and substantial communications. Most will be transitory.
- Emails can be easily manipulated. (anything to do about that?)
- When retaining emails, identify the longest retention period on your schedule that is likely to be in an email and dispose based on that period.
- The record keeper should identify the documents that need to be maintained, create subfolders and place them there by year. At the end of the year, review the folders and dispose of entire folder based on retention schedule.
- The email of former employees should be retained for longest retention period on the RC-2.
- Recommend that files be created on a shared drive for employees to dump records into.
- An email policy should be created to explain to employees what to keep, what and when to delete.

Text Messages:

Texts can be a public record if they meet the definition: Made and received by the gov’t, stored on a fixed medium, and document the business of the office. A retention period should be set. If the time of the text matters, that information should also be kept with the text.

Website:

If site essentially is a bulletin board with posted information – do not need to back up.

If public can do service requests, site includes live chats or other public interaction, information should be backed up.

Social Media:

Local gov’t does not own content, it is owned by the platform.

Citizen interaction should be managed.

Work-related posts can be subject to a public records request. May need to hire a company to capture.