MINUTES OF THE MAYFIELD VILLAGE RECORDS COMMISSION MEETING

Mayfield Village Main Conference Room
Mayfield Village Civic Center
Wednesday, April 22, 2026 – 4:00 p.m.

The Records Commission met on Wednesday, April 22, 2026 in the Main Conference Room at the Mayfield Village Civic Center. Chairman Weltman called the meeting to order at 4:00 p.m.

Members: Mayor Brenda Bodnar
Law Department – Jim Budzik, Esq.
Finance Director Angie Rich
Randy Weltman (Resident)
Lorry Nadeau (Resident)

Also in Attendance: William Marquardt (Council Representative)
Mary Betsa, Council Clerk/Records Custodian
Alyssa Fikaris, Alternate Records Custodian
Diane Wolgamuth (Administration)
Maura McKinley (Police Department)
Danielle Echt (Parks and Recreation)

1. Mayor's Designation of Chairperson

Following discussion, Mayor Bodnar designated Randy Weltman as the Chairperson and Lorry Nadeau as the Alternate for 2026.

2. Approval of Minutes from Monday, November 17, 2025

Mrs. Nadeau, seconded by Mayor Bodnar, moved to approve the Minutes of Monday, November 17, 2025.

Chairman Weltman asked, discussion?

There was none.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Minutes of November 17, 2025 Approved as Written

3. Review and approve any RC-3 Records Disposal forms submitted by Village Departments.

Chairman Weltman stated, let's look at the Certificate of Records Disposal submitted by the Police Department.

Ms. McKinley stated, I was talking to Mary Beth. I was just inquiring if we have to put the electronic, like the audio and the video, since that's on our retention schedule, does that have to be on the RC-3?

Mr. Budzik replied, I would say yes because records can be kept in any form.

Ms. Wolgamuth stated, the RC-3's only have to go to the State if they were checked on our Records Retention Schedule. So none of these things are things that actually have to go to the State, right? This is just for our information.

Ms. McKinley stated, right, so I have a lot of what's strictly for recordkeeping.

Ms. Wolgamuth replied, we don't need to use the RC-3 form. I mean, it's just for our own records, I don't think it matters. So that's a handy format for you.

Ms. McKinley stated, yes. That's what I asked Mary Beth this morning, do I have the option to list the records like everyone else? Is that okay? I mean, this works out fine for me. I have it in a template. So if this is acceptable, then I'll keep on doing it. Whatever's preferred.

Mr. Budzik stated, same thing on a different template or a posted template? That's fine. It doesn't have to be the exact same ones that we all have in the departments.

Mrs. Betsa stated, all of these lists will get attached to the April 22nd Minutes and become part of the permanent record.

Chairman Weltman stated, all right. So we've had a little discussion here about the forms to be used by each Department. That's resolved. The second set of information here are the records retention destruction request made by Lisa Lesner from the Service Department. We can look through these real quick. They all look normal to me and typical kind of things.

The next list of items to be destroyed was submitted by Diane, our Director of Administration. Diane's here if you want to mention anything about this.

Ms. Wolgamuth stated, only what I put at the top. These are files that are my files. They're mostly copies of things. They're not original documents. So, for example, anything that was under the septic conversion, the Engineer or Service would have those permanent records. These were just copies of things that I was given for information or when I send letters to residents relative to the conversion. So they would give them to me so that I have the information I need. But I am not the keeper of the permanent records. These are all the Until No longer Administratively Necessary type records, which I assume Lisa's are also.

Mrs. Betsa stated, Lisa was unable to attend this meeting, but she asked me to please check with the Commission if they had any questions on the Service Department's request for disposal.

Chairman Weltman asked, what does Lisa mean when she puts this number on her list versus, you know, 1, 2, 3, 4? Are those document numbers?

Ms. Wolgamuth replied, I'm assuming that is the number on the retention schedule.

Chairman Weltman stated, okay. Very good. So Diane's made her explanation about her list, and now we have Finance with Angie here. You prepared this?

Ms. Fikaris stated, I actually prepared it. It's kind of the same files as every other year, just the following year. Usually three years are kept, so 2022 is on the chopping block.

Chairman Weltman asked, and you use a box barcode to identify your documents?

Ms. Fikaris replied, yes, because these are actually off-site and boxed up, so those are the boxed barcodes.

Chairman Weltman stated, got it. Okay. And the second page?

Mrs. Betsa replied, I prepared the second page. It coincides with what Alyssa has, where it's Finance records for 2022 only and the unsuccessful bid packages for 2022 and 2023. The Council list is the audio recordings. The Civil Service list, I only went up to 2022, but, Jim, I think my one question, though, has to do with the fact that when we do the Multi-Regional Fire Department examination, they give us the copies. They have the originals. It's 7 seven different communities, but I think it's Mayfield Heights that keeps the originals.

Mr. Budzik replied, they're not our records.

Mrs. Betsa asked, so we don't have to keep them?

Mr. Budzik replied, no, because, again, we don't maintain them. It's not the Village records.

Mrs. Betsa replied, they do provide us with the results and credentials of the candidates.

Mr. Budzik replied, you would maintain them but they would fall under Until No Longer Administratively Necessary because the original records are not maintained by us.

Chairman Weltman stated, okay. I think that concludes Section 3 of our agenda, where we're reviewing and approving these lists. Are there any questions?

There were no questions.

. **Motion to approve the disposal forms submitted by the various departments**

Mrs. Nadeau, seconded by Mayor Bodnar, made a motion to approve the disposal forms submitted by the various departments.

Chairman Weltman asked, any discussion?

There was none.

Roll Call:	AYES: All	Motion Carried
	NAYS: None	Disposal Forms Approved

4. Public Records Requests

Chairman Weltman asked for an update.

Mrs. Betsa stated, I just have basic requests. There's really nothing very big. Maura probably has more.

Ms. McKinley replied, ever since we revised our body cam policy, we've had a handful of requests, but once I reply back to the requestor that it's five hours and what it's going to cost, and that we expect payment prior to producing the record, most people don't get back to me.

Chairman Weltman stated, so it worked.

Mr. Budzik replied, that was the purpose of it.

Ms. McKinley stated, I have one that's kind of teetering. I advised him that we didn't have a specific body cam before and after one of our private property accidents, and he insists that there's got to be a body cam 15 minutes before an incident and 15 minutes after Chief looked it up. There's nothing on the body cams 15 minutes before or after. I believe he was certain that they were running 24-7.

Mr. Budzik stated, when they're involved in the chase they'll put a dash cam on, and then at the scene, the body cam when they actually respond and start talking to the folks.

Chairman Weltman stated, right. That would make total sense.

Mr. Budzik stated, and that should be covered in the Department's Rules and the SOP's as to when they are supposed to engage the video.

Ms. McKinley stated, everything was correct. There's nothing that they did wrong.

Chairman Weltman asked, does anybody want to discuss anything else related to the records requests?

There was no further discussion.

5. Legislative Updates

Chairman Weltman stated, Jim provided the Commission with a handout summarizing legislative updates since the last meeting. Mr. Budzik?

Mr. Budzik stated, the first one was at the end of 2025, where police officers were involved in a shootout in Columbus, and requests came in for the body cam and other records and the Columbus Police Department said no, we're going to give you redacted copies, not unredacted copies, because they said the police officers were the victims. That issue got litigated, and the Ohio Supreme Court said, yes, a police officer or any employee involved in the scope of their official duties could be a "victim" under, in this case, *Marcy's Law,* which protects victims. The Court came back, and they said a victim is a person against whom a criminal act is committed, and it specifically does not exclude police officers. So, yes, they could be a "victim" under the law. The Court upheld the redacted records and upheld the victim privilege under *Marcy's Law* to shield the actual identities of the police officers. So, as long as you can meet the definition of the word "victim" or the statutory exemption, then yes, you could be shielded as an employee from a records request, or at least have your name and everything else redacted and your identity redacted.

Mayor Bodnar stated, so, Jim, that's a pretty clear-cut case. Do we know what's going to happen when somebody resists arrest and there's a scuffle and a person uses physical force? Technically, you could consider a police officer to be a victim of a crime or assault. But I don't know if they're going to take it that far.

Mr. Budzik replied, it will take a couple years for the body of the case law to develop. We did talk about, last time, actually, in November, when the new law came out to be effective April 9, 2025, and now the cases are starting to come through, that said, yes, the requester has these requirements that they have to fulfill. The mandatory pre-suit process, a written complaint to a records custodian, and the public entity has three business days to cure the alleged violation before a lawsuit can be filed. The person claiming the violation has to file an affirmation stating the requester followed the pre-suit steps and that the violation was not resolved. Third, there are expanded exemptions under the law that protect sensitive information of first responders and all their designated public service workers, including the personal addresses and work schedules of those employees.

And then, of course, we talked about the video records fees, again, which was part of those new laws where you can charge. The Village has taken advantage of this. The courts are saying that, yes, these are statutory requirements, and they've been held valid, and cases are now being disposed of if a request does not meet the pre-suit process. So, yes, it makes it harder on requesters and a little bit easier for public entities in doing this.

Ohio State v. Zenia Community City School District - This was basically a companion case after the 2024 *Hicks v. Union Township-Claremont County Board of Trustees*. We talked about this a little bit last time where if a public entity has e-mail lists, distribution lists, those are public records. In this particular case, the School District said, no, it shouldn't be a public record because the information may contain student names or student information. The Supreme Court said, we understand that, but no, e-mail distribution lists are, in general, public records. Here, the School District failed to establish a specific exemption for disclosure that none existed. If personal or student information was contained in an e-mail list, such information would need to be redacted according to law. Statutory damages and court costs were awarded in that case, and the court allowed for attorney's fees and told the prevailing plaintiff to submit their request for attorney's fees. So, again, keeping in mind these records are generally open, and unless the entity can prove a specific exemption exists, we're going to have to give it, or else we're going to be subject to statutory damages and potentially attorney's fees.

The last case, *Zimmerman vs. Avon Lake* - in this particular case, Avon Lake created a community living subcommittee, and even that community had a subcommittee, which was called the Brownfield Committee, and everyone agreed it was an advisory committee, and then a records requester asked for the meeting minutes from those Brownfield Committee meetings. That was, again, a rather loose subcommittee, and they said, well, we don't have minutes. We were purely advisory. We do not make decisions of any kind, so, therefore, we don't even have a requirement to create minutes or to make decisions. The Ohio Supreme Court says, nice try, basically. A subcommittee is still a public entity. The Court cited another case and defined what a committee is, and it is a subordinate group to which a deliberative assembly or other organization refers business for consideration, investigation, oversight, or action, so you don't have to make a decision. Here, like the Records Commission, you do make decisions, but should the Records Commission make a subcommittee for any type of action, for review of something, that entity would also be, “subject to the records laws” and would be subject to the Sunshine Law as well, so the notices and everything else would have to be public, even though no decisions would be made, but if public business is discussed, you're open to the Sunshine Laws, and you're open to keeping minutes.

Chairman Weltman asked, is there a term of art with Brownfield Committee?

Mr. Budzik replied, that was just unique to the case. Brownfield was the advisory committee that they called it.

Chairman Weltman stated, all right. Very interesting stuff there. Thank you, Jim. It shows that they are very active. There’s a lot of dispute still out there.

Mr. Budzik stated, yes. I did some work in Cleveland Heights, and Cleveland Heights had an interesting case where they decided not to turn over the body cam from an incident that happened in the police atrium, where the Mayor's wife was yelling and screaming at the police officers in the atrium. And the Mayor said, we can't give it. It's confidential. The law department told the Mayor, no, it's really public. But the Mayor gave directives to shield it, and the records requester

filed a legal claim at a court of claims, and guess who prevailed? The requestor. They got attorney's fees and costs.

6. Shred Day

- Shred Day – Saturday May 17, 2025 – Civic Center parking lot.

Chairman Weltman stated, Lori is the Master of this event, so I will turn the table over to her and she can tell us all about what's planned for May 16th.

Mrs. Nadeau stated, well, we just all show up in the morning and get started. As long as that truck is there, we're in business.

Chairman Weltman stated, all right. All the work has been done to make that happen and everything?

Mrs. Betsa stated, I reached out to the Service Department. They always come the day before to get documents approved for shredding from each department.

Mrs. Nadeau stated, no rain this year. I ended up last year in the Council room by the window. I opened the window, and then they were just putting their fingers up on how many boxes were shred. It came down in buckets. First, I was out there because I did have a raincoat, and then I said, the heck with this. I'm going inside. There's windows right there. It was perfect.

Mrs. McKinley stated, also, every time we hold this event, the drivers jump in with us and help us out.

Chairman Weltman stated, let's hope that success continues.

7. Motion to Adjourn

There being no further matters to come before the Commission, Mrs. Nadeau, seconded by Chairman Weltman, made a motion to adjourn.

The meeting concluded at 4:28 p.m.

Respectfully submitted,

Mary E. Betsa, MMC
Council Clerk/Records Custodian