

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0016

Sponsored by: Councilmembers Miller, Conwell and Germana	An Ordinance amending Section 106.06 of the Cuyahoga County Code to establish copying costs for public records.
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WHEREAS, Section 149.43 et seq. of the Ohio Revised Code governs the availability of public records for inspection and copying; and,

WHEREAS, Chapter 106 of the Cuyahoga County Code governs the public records policy of Cuyahoga County, which was originally enacted by Ordinance No. O2011-0012 and was thereafter amended and codified by Ordinance No. O2013-0002; and,

WHEREAS, Section 106.06 of the County Code establishes the copy costs for public records, and further provides that County Council shall biennially determine and establish the copying costs for public records; and,

WHEREAS, Council now wishes to update and clarify the copying costs of public records for the public offices of Cuyahoga County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1: Section 106.06 of the Cuyahoga County Code is hereby amended to read as follows:

A. County Council to Determine Costs for Public Records

Unless otherwise provided in this Section, persons requesting copies of public records shall be required to pay for the cost of copies and/or delivery or transmission of public records. No charge for public records shall exceed the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requestor, except as otherwise provided by court order or law.

B. Costs for Public Records

Except as otherwise provided by court order or law, the copying costs for public records shall not exceed the following rates:

1. The charge for paper copies shall not exceed \$0.03 per page. The charge for paper copies shall be waived when the total cost of copying is less than \$1.00.
2. The charge for electronic copies provided on a compact disc, USB flash drive, or other data storage device shall not exceed \$1.00 per gigabyte of storage space available on the device.
3. There shall be no charge for electronic copies provided via email, facsimile, or other electronic transmission; provided, however, that a public office may charge up to \$0.03 per page when it is necessary to copy or print records for the purpose of redaction.

A public office may require payment in advance, or may waive copying and delivery costs when it determines it is cost-effective to do so, provided that the public office follows a consistent policy for all requests.

SECTION 2: It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Miller, seconded by Mr. Germana, the foregoing Ordinance was duly enacted.

Yeas: Hairston, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: May 27, 2014
 Committee(s) Assigned: Council Operations & Intergovernmental Relations

Committee Report/Second Reading: September 9, 2014

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