



**THE CITY OF NORTON
RECORDS COMMISSION MEETING
Wednesday, March 21st, @ 9:30 a.m.
City Hall Conference Room**

The Records Commission convened in the Conference Room at City Hall and the meeting was called to order at 9:37 a.m.

ROLL CALL:

PRESENT: Mayor, Mike Zita
Director of Finance, Ron Messner
Member/ RC Secretary /RC Archivist, Janice Back

ABSENT: Law Director, Justin Markey

INVITEE: Administrative Officer, Robert Fowler
Council President, Scott Pelot

OLD BUSINESS:

- The RC 2 that was presented at the last meeting in December, 2017 was presented for the Mayor's signature today.
- There was one change that was made on the original that will be sent to the State of Ohio for approval. Section 1:11 (per ORC #2305.06)

NEW BUSINESS:

- Council President, Scott Pelot attended the meeting today to familiarize himself with the city's retention process. The difference between an RC 2 and an RC 3 were explained and the formation of the process was also explained. Mr. Pelot asked if the city has a disaster preparedness plan in operation. Mrs. Back stated that the current scanning program was implemented to be a backup for the city. The scanning is in the beginning stages and has a long way to go. She also explained that in the training she has had, that the permanent records should be scanned first, then work should begin on the records that have long retention periods. The records that are held for 5 years or less should not be scanned, they should time out for disposition because of the time involved to scan. It is really best to start scanning from the present. That way, some day, even the shorter retention items will be scanned.

(Page 1 of 3)

- Ron Messner stated that permits are a good example of this. Permits are a permanent item. Vivian Durbin (Admin. Secretary) is scanning all permits that come in weekly.
- The idea is to then work on permits from 2017, then 2016 and keep working backwards along with continuing to scan all permits that come in during the week. Janice Back explained that this is what the previous Council Secretary achieved with legislation.
- Mr. Pelot addressed the issue that many years of minutes were deleted from the “I” Drive in 2017, prior to Council Secretary retiring, and he wants to be sure that this will not happen again in the future. Janice Back stated that she has a letter of the event from Council Secretary stating that this was also a surprise to her. The letter will be attached to the RC 2 for 2018 for future reference. Mr. Pelot asked how many people have access to that particular drive. Ron Messner said he thought that Council Secretary was the only one with access but learned that there are several people that have access to that drive. Mr. Pelot stated that the city should be able to lock out that drive so that only those that need it have access to it. He said that anyone can see it but only one person has the “Write” ability within that drive. Mr. Messner stated that I.T. is able to do that. Mr. Pelot explained that in the business world, that is the way it is but isn’t sure about the government world. He stated that the commission should look into this and legally “lock” some drives. Mr. Pelot asked for drive access to be documented as to who has access to “Write” on those drives. Mrs. Back offered to make a list for the NFD and deliver that to Mayor Zita. It was discussed that possibly the information that was deleted from the “I” Drive could be restored from CDs that are in Council’s Office. The overall concern is that the city wants to be able to reassure the public that any records request for one of those files can be fulfilled. Mr. Pelot does not want to see the city liable for this incident. Mrs. Back explained that the courts have set some limits on how far back someone can request information due to the fact that there were groups abusing the system, causing it to become a money-maker. The courts ask for specific reasons that the records are being requested and have they been created within the last 5 years.
- It was also explained that PDF format is allowable in court. This backs up the ability to scan, not only to create a backup of records but to utilize them when needed.
- Email was discussed and Mr. Messner suggested that everyone should begin making folders for items to be kept before the city goes with a different email server.
- The Acknowledgement Form of Records Retention/Disposition (attached) was presented again for implementation. Robert Fowler stated that this form will be incorporated into the upcoming updated Policies & Procedures Booklet. The “Items Removed from Storage” form (attached) and the “Box Labels Template” (attached) were presented today as a refresher of the process for handling all records removed or prepared for storage.

Mr. Messner motioned to approve the change to Section 1:11
 Mayor Zita 2nd the motion

Yes: Mr. Messner
 Mayor Zita
 Janice Back

No: N/A

The motion was unanimously approved.

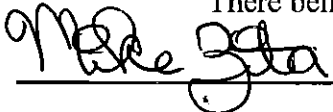
- After all discussion was complete, the RC 2 was signed. Secretary Janice Back will send the RC 2 to the State of Ohio for their approval. This process generally takes about 2 months.
- Janice Back asked Mayor Zita if he would like to sign the RC 3 today or would he rather have another meeting, after the State of Ohio approves the RC 2. It was determined that the commission will wait until the RC 2 comes back with a status of “approved” and after Law Director, Justin Markey can take a look at it.
- Mrs. Back offered to answer any question that might arise later.
- Mrs. Back explained that most of council members’ material should be reference material and copies of directives, and emails. It was stressed that everyone given a city email account should use that account for city business which includes all correspondence between each other. This generates protection for all city workers. If our personal emails are used, there might be a legal need to shut it down and hand over its entire content at some point.

CONSIDERATION OF THE MINUTES:

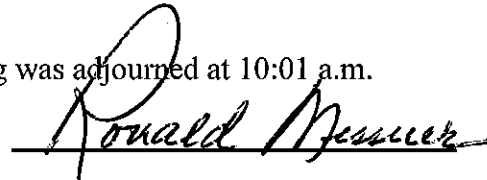
- The minutes from December 20th, 2017 were presented for approval.
- The minutes were unanimously approved and were signed.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:01 a.m.



Records Commission Chair / Member



Records Commission / Member

5-9-18 Date Approved

*Preliminary minutes submitted by Janice Back, RC Secretary / Archivist / Stenographer
Meeting Minutes are not verbatim*

City of
NORTON

4060 Columbia Woods Dr.
Norton, Ohio 44203
Phone: 330-825-7815 Ext. #322
Fax: 330-825-3104

Joe Kazy
Councilman Ward 1
3141 Monteray Drive
Norton, Ohio 44203
Cell: 330-573-1114
joekazy@cityofnorton.org

Dennis McGlone
Councilman Ward 2
3853 Mt. Vernon Blvd.
Norton, Ohio 44203
Home: 330-848-9338
dennismcglone@cityofnorton.org

Dennis Pierson
Councilman Ward 3
3793 Easton Rd.
Norton, Ohio 44203
Cell: 330-819-0005
dennisperson@cityofnorton.org

Paul Tousley
Councilman Ward 4
4536 Garrett Drive.
Norton, Ohio 44203
Home: 330-706-9797
paultousley@cityofnorton.org

Joe Kernan
Council-at-Large
3546 Glenbrook Drive.
Norton, Ohio 44203
Cell: 330-607-9318
joekernan@cityofnorton.org

Scott R. Pelot
Council-at-Large
3185 Fair Oaks Dr.
Norton, Ohio 44203
Home: 330-825-0279
scottpelot@cityofnorton.org

Charlotte Whipkey
Council-at-Large
4624 Albert Avenue
Norton, Ohio 44203
Home: 330-825-6006
charlottewhipkey@cityofnorton.org

Karla Richards
CMC-Clerk-of-Council
karlar@cityofnorton.org

MEMORANDUM

Date: December 20, 2017
To: Janice Back-Records Commission Secretary
From: Karla Richards, CMC-Clerk of Council *Karla*
Subject: Missing Archived Records

On or about December 3, 2017 I noticed all of the archived Council and Committee meeting minutes from 1977 to date are missing from the network system; I/Drive/Council/Archived Legislation & Minutes. The legislation archives remains intact. I immediately contacted Nick Sattler in IT and it was determined these records are not recoverable from backup files.

I have been archiving all of these records for years by using an outside document scanning company (Assure Vault) and periodically uploading the CD's they provide to this shared network drive for staff to use and research any legislation or minutes at their will.

Since this discovery I have pulled all of these documents from the shared network (I) drive so now only the Clerk of Council will have access to these records. I am also working to reinstall all documents from the CD's in my possession.

I find this very disheartening to learn that somehow all of these records have been deleted, which would deliberately take someone some time to do and did not happen by accident. These are important documents that I refer to on a daily basis sometimes and I for one would not be deleting these records.

/kr

Attachments

cc: Charlotte Whipkey-Council President
Mayor Zita
Robert Fowler
Justin Markey
Ron Messner
Files

[Click to Print](#)

Ohio limits fines for destroying public records

Kasich signs law disliked by newspaper group. Proponents say open-record statutes were abused

By JoAnne Viviano
Associated Press

Published: July 6, 2011 - 08:41 AM

COLUMBUS: The Ohio legislature has significantly reduced the civil penalties for improperly destroying public records, drawing fire from newspaper publishers and others who say the change effectively does away with a deterrent that prevented local governments from ridding shelves of controversial items.

A measure signed into law by Gov. John Kasich last week places a \$10,000 limit per case on fines an agency can be ordered to pay when sued for destroying records. It also limits attorney fees to \$10,000 and requires suits to be brought within five years of a record's destruction.

There were no such limits previously.

State Sen. Bill Seitz, a Cincinnati lawyer, said the modification was prompted by a \$1.4 million initial finding against the city of Bucyrus for recording over 911 tapes from the 1990s. The law had said that agencies could be sued for \$1,000 per destroyed document, with no maximum. Supporters of the new cap said people requested records they didn't want but knew were destroyed so they could sue for a large payday.

Opponents of the limits say the law was working as intended and that caps will make most Ohioans unable to afford lawsuits when records are destroyed.

"Destroyed public employee records, evidence of police wrongdoing, evidence of environmental and human health dangers ... could all go away for a simple \$10,000 fine," said Trent Dougherty, director of legal affairs for the Ohio Environmental Council.

But Seitz said the legislation protects taxpayers' pocketbooks from greedy lawyers. If records are destroyed to cover up corruption, officials still could face criminal charges, such as obstruction of justice and tampering with records, he noted.

“If anybody thinks that a \$10,000 penalty and \$10,000 in attorney fees is not a sufficient deterrent, then I would remind them that if the destruction is willful ... we have a whole battery of criminal laws that still apply,” he said.

Seitz said the changes have the support of groups representing Ohio townships, counties, other municipalities and school boards and the Ohio Historical Society.

Opposing the changes along with the Environmental Council are the Ohio Newspaper Association, the Ohio Association for Justice and the Ohio Employment Lawyers Association.

Dougherty said the groups believe the change is just the first phase of “a total eclipse of the Sunshine Laws,” which guarantee Ohioans access to government records and meetings.

“This amendment was not about fears of plaintiffs bankrupting cities through the public records act, nor was it about reining in lawsuits. It was the first shot in what we fear may be a full assault on public accountability,” he said.

Seitz, a Republican, said the measure was inserted into the bill that established the state’s two-year budget, but is based on a bill that he sponsored with Democratic state Sen. Jason Wilson of Columbiana.

Dougherty said the opposing groups will work to prevent local governments from using the changes as “an excuse to shred” and will consider possible legal action over the insertion of the changes in the unrelated budget bill.

Along with the case in Bucyrus, proponents of the change have pointed to a case on appeal before the Ohio Supreme Court in which the city of New Philadelphia was ordered to pay \$84,000 for taping over 911 recordings from 1975 to 1995. A number of other communities face similar court battles worth millions in combined penalties.

The Bucyrus case is back in county court after being overturned on appeal, and the man who brought the lawsuit, Ed Davila of Massillon, has said he requested the tapes because he was researching 911 systems when Stark County planned a 911 overhaul. The case is set for a December trial.


Davila filed a lawsuit against the city of Akron last week over access to photographs and other records for the city’s traffic camera program — also called the cop-in-the-box program.

The Stark County resident said he wants to find out whether Akron is properly administering the program and whether it is serving public safety or just used as a moneymaker.

Akron Law Director Cheri Cunningham said her office has sent Davila a letter saying the city will provide him with the records he requested.

Find this article at:

<http://www.ohio.com/news/local/ohio-limits-fines-for-destroying-public-records-1.223997>

 [Click to Print](#)

Copyright © 2011 Ohio.com

How long should e-mail records be kept?

It depends on the content of the e-mail message. In terms of records retention, e-mail records are no different than any other record that is kept by a public office. For example, most public offices will have a different records retention schedule for a memo about handling customer complaints than for a daily news clipping file, even though both are records. These records should be kept according to their respective retention schedules, regardless of whether they exist on paper or as an e-mail. The most important thing to remember is that each record should be evaluated for and identified by its **content** and not the medium in which it exists. It may help this evaluation process to picture each e-mail message as a paper record.

Tags: Sunshine Laws

[Back to top](#)

Should all e-mails be kept for the same amount of time?

No. Just like messages written on paper, all e-mail messages will not be kept for the same amount of time because they will differ greatly in terms of subject matter. Each e-mail should be identified and managed based on its content.

For example, if an employee of a public office received a piece of paper on their desk noting that a meeting will be held at 3 p.m., the employee could probably discard that paper after the meeting has passed (this would likely be considered a "transient" record, or one that has a limited ministerial use). On the other hand, if the employee received a paper report updating all of the public office's current projects, it would probably have to be retained for a much longer period of time because of its content. The duly enacted record retention schedules of the public office will determine how long these respective records would have to be kept.

The same is true for e-mail messages. If the employee receives a simple e-mail reminder of a meeting, it can probably be quickly discarded as "transient." If an e-mail is a notice to staff of a new policy, or serves as the record copy of an order to promote or dismiss an employee, or gives directions regarding an office project or legal case, it would be kept for the period applicable to each type of record.

Always remember, it is the **content** of a record that determines which retention schedule applies to that record, and determines **how long** it is to be kept. This is true regardless of whether the record is on paper or an e-mail.

Tags: Sunshine Laws

[Back to top](#)

What if a public office gets a request for all e-mails sent and received by an employee?

A request for "all e-mail" is generally overly broad under the Public Records Act. A 2008 decision by the Ohio Supreme Court reemphasized that the Public Records Act "does not contemplate that an individual has the right to a complete duplication of voluminous files kept by government agencies." Rather, the requestor must identify the records sought with sufficient clarity. *Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788.

If a request for "all e-mails" includes sufficient additional information about the content of those e-mails to allow the public office to identify responsive records based on the manner in which its records are organized, the request is not overly broad. However, if the request is ambiguous or lacks enough detail for the office to identify which records are being sought, it may well be overly broad. In that instance, the public office is obligated by law to give the requestor an opportunity to revise the request by explaining how the various records of the office are ordinarily maintained and accessed. R.C. 149.43(B)(2). A set of well-crafted records retention schedules (classified by type of record rather than medium of record) can help put the office and the requester on the same page.

Tags: Sunshine Laws

**ACKNOWLEDGEMENT FORM
OF RECORDS RETENTION/DISPOSITION DUTIES**

I, _____, acknowledge that I have received a copy of the City of Norton's Records Retention/Disposition Manual and have been issued a copy of the most recent RC2.

By signing this form I understand that I am responsible for all records that I handle and agree that these records will be retained and/or disposed of by following the contents of Records Retention Manual and the most currently approved RC2 for Disposition.

It is my responsibility to understand and remain compliant throughout my employment with the City of Norton.

Signature: _____

Date: _____



label size 3 1/3" x 4" compatible with Avery®5164/8164
Étiquette de format 85 mm x 102 mm compatible avec Avery®5164/8164

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.

TWO (2) LABELS PER BOX - ONE ON EACH END

DO NOT COVER BOX HANDLES

Section: _____

Dept: _____

RC Manual Description: _____

(Dates) From - To: _____

Retention Period: _____

Destroy In Year: _____

Retention Approved by: _____ All information must be visible.



label size 3 1/3" x 4" compatible with Avery®5164/8164
Étiquette de format 85 mm x 102 mm compatible avec Avery®5164/8164

ITEMS REMOVED FROM STORAGE

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____

- ITEM REMOVED _____ SECTION _____
- DATE REMOVED _____ DATE RETURNED _____ RESPONSIBLE PERSON _____