

MINUTES OF THE RULES & ORDINANCES COMMITTEE
October 7, 2019
East Conference Room

Present: Councilmembers George, Litten & Rader

Others: Councilmen Anderson and O'Leary; Assistant Director Swallow

Call to Order: 5:31 p.m.

AGENDA

Approve the minutes of the June 17, 2019 Rules & Ordinances Committee

Chairwoman George made a motion to approve the minutes of the June 17th, 2019 Rules & Ordinances Committee, which was seconded by Councilman Rader. All members voted in favor. Motion passed.

ORDINANCE 16-19 - AN ORDINANCE enacting new Chapter 110, Access Public Records, of the Codified Ordinances of the City of Lakewood to create transparency and timely easy-of-access to public records and set requirements for the city's online public records request system. (Placed on 1st reading and referred to Rules & Ordinances Committee 5/20/19; 2nd reading 6/3/19)

Councilman Rader shared that Director Butler indicated to him that the Law Department was looking into software to fulfill the requirements in section 110.50c of the law and that the department was to receive a presentation from NextRequest. Assistant Director Swallow confirmed that NextRequest public records software will be up and running by the end of the year. It will be able to accept external and internal requests, has automated response options, and costs about \$5,500 a year. New Orleans, Louisiana has successfully implemented the software.

Councilman Rader reviewed some of the components of the ordinance and asked questions regarding the public records administrator position that the law would create. Assistant Director Swallow stated that Jeanine Petrus serves in multiple roles in the Law Department and would be able to incorporate the proposed duties of the ordinance into her position. She has experience filling public records requests for police reports and other documents. Ms. Swallow indicated that she did have some concerns regarding the law and its potential conflict with the Ohio Revised Code. It was highlighted that #3 in section 110.20 requires a great deal of information to be kept concerning real property within the municipality, which is duplicative of county efforts and onerous on the administration. Item #4 in the same section requires salary compilations and statistical analyses of benefits to be created and members of the administration were unsure if such documents existed and could only be created unless a salary survey was conducted. It was also argued that item #5 creates an undue burden on the administration to create feasibility, management, and cost effectiveness reports. Councilman Rader and Ms. Swallow agreed to work together to clear up the proposed legislation and focus it on his intent for people to have easy access to government documents. Ms. Swallow added that the Plain Dealer runs yearly records

reports and that Lakewood usually ranks in the top 3 municipalities in regard to delivery on public records requests. Turnaround time on requests is usually 3 days.

Council members and Ms. Swallow then discussed the city's duty under Ohio Revised Code to negotiate with a requestor to try and figure out what they're looking for, in the event he or she provides a vague request. The negotiation process entails running an initial search through an online Barracuda system, which usually returns a lot of material, and the city asking the party to narrow or be more specific with his/her request. If the party refuses and the request remains overly vague, the city does not have to respond, which would be classified as a request denial. The requestor then has the option to make a complaint to the Ohio Attorney General's office, who can then request both parties to participate in a mediation.

Concerns were expressed regarding the language and measurement of speed and thoroughness required in the legislation when responding to a public records request. The Law Department needs time to redact personal information, which can take an in exorbitant amount of time to do depending on the depth of the request. It was determined that a municipality has a reasonable amount of time to respond to a request, and this timeframe is determined by case law. There was some discussion as to requiring a fee schedule for print pages requested and whether it would be necessary. It was noted that the Law Department educates new employees on public records law through orientation and trainings.

Council President O'Leary expressed some concerns about section 110.80. He indicated that the notions of this section would be found in a records policy instead of city code. He argues that the terminology used in the legislation should be broad enough to accommodate applicable exceptions to the law and factor in Ohio and federal records laws. Assistant Director Swallow also disagreed with the component of the law that does not require a requestor's name or purpose for the request. Both parties acknowledged that different rules apply to different types of requestors, such as commercial ones or individuals that are incarcerated.

Members requested the Law Department update the ordinance, tracking the changes discussed in the committee meeting. It was affirmed that NextRequest software will be added to the city's website and employees will receive training on it over the next couple months. The system has the ability to provide automated reminders to staff on outstanding requests. Councilman Rader provided the referral of NextRequest to the Law Department, having worked in the legal profession with the software previously. Council President O'Leary noted that the Council office now has a portal that allows a public-facing response to a public records request. Chairwoman George stated that the committee will meet once more to implement changes to the legislation.

ORDINANCE 25-19 - AN ORDINANCE repealing 905.07 Animals, and enacting a new 905.07 Animals which require that all dogs in any park be registered with the County Fiscal Officer and wear a registration tag. (Placed on 1st reading and referred to Rules & Ordinances Committee 9/3/19; 2nd reading...)

Councilman Anderson stated that he proposed Ordinance 25-19 to follow up on the public sentiment of supporting dogs and the animal shelter that was expressed when the city was updating its dog ordinances. He listed the many benefits that come with dog registration. It was

noted that all proceeds from dog registrations go to support the shelters. Lakewood has a higher than average rate of dog registration than the rest of the county, however it still is only in the 20 to low 30 percentile range. Councilman Anderson expressed that he realized his proposed legislation may be redundant however and that he would be happy to work with colleagues to promote registration to all dog owners. Councilman Litten proposed working with Pet General and other stores on the registration issue as a way to promote local businesses. Members expressed a desire to work with the Lakewood Animal Safety and Welfare Board as well to promote the issue and come up some sort of informational material to pass out. Councilman Anderson proposed crafting a resolution in support of dog registration and members of the committee expressed support for it.

Chairwoman George stated that another Rule and Ordinances committee should be put on the schedule within the next month.

Chairwoman George made a motion to adjourn, which was seconded by Councilman Rader. All members voted it favor. Motion passed.

Meeting adjourned – 6:24 p.m.