SMITH TOWNSHIP, MAHONING COUNTY, OHIO
Resolution # 2026-1006-04
Regular Meeting held on October 06, 2026

A RESOLUTION ADOPTING A PUBLIC RECORDS POLICY TO COMPLY WITH THE OHO REVISED CODE

Whereas, Ohio Revised Code (ORC) Section 149.43(E)(1) mandates that every public office in the State of Ohio adopt a public records policy for the guidance of township officials and employees; and

Whereas, the Board of Township Trustees of Smith Township, Mahoning County, Ohio recognizes that an open and transparent government leads to a better-informed citizenry; and

Whereas, the Board desires to ensure full compliance with the Ohio Public Records Act, ensuring that all public records maintained by Smith Township are made available for inspection promptly and that copies are provided within a reasonable period of time; and

Whereas, a model policy has been reviewed by this Board that satisfies all mandatory requirements of Ohio law.

Whereas, The Fiscal Officer is the Public Records Officer (POR) and Custodian of Records (COR) for the Township. The COR for the Police Department is the Chief of Police.

Now, therefore, be it resolved by the Board of Township Trustees of Smith Township, Mahoning County, Ohio that:

1. **Adoption of Policy:** The Board hereby adopts the Smith Township Public Records Policy, attached hereto as **Exhibit A** and incorporated herein by reference, as the official public records policy of the Township
2. **Conspicuous Posting:** In accordance with R.C. 149.43(E)(2), the Township Fiscal Officer is hereby directed to conspicuously post a poster that describes this Public Records Policy in al administrative offices of the Township.
3. **Distribution to Custodians:** The Fiscal Officer shall ensure that a copy of this Public Records Policy is distributed to, and receipt is acknowledged by, the designated records custodian(s) or employees who serve as custodians of the Township's public records.
4. **Open Meetings Compliance:** It is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including R.C. 121.22

Moved by Mr. Barnett Seconded by Mr. Criss

Vote:

TRUSTEE BARNETT	_√__Yea	___Nay
TRUSTEE SHOWALTER	_√__Yea	___Nay
TRUSTEE CRISS	_√__Yea	___Nay

Adopted this 6th day of October, 2026.

Certification: Resolution 2026-1006-04

I, the undersigned Fiscal Officer, and Custodian of the Records of Smith Township hereby certifies that the above resolution is a true and accurate copy of the foregoing Resolution as appears in the Transcript of Minutes of the Official Record of Proceedings of the Smith Township Board of Trustees held on the 6th day of October, 2026. In Witness thereof, I have affixed my signature in acknowledgement thereof.

Date: 10-6-26

Susan Terry, Fiscal Officer

SMITH TOWNSHIP PUBLIC RECORDS POLICY

I. PURPOSE:

Smith Township, Mahoning County, Ohio, hereafter referred to as the Township, acknowledges that it maintains many records that are used in the administration and operation of the Township. In accordance with state law, the Township has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of the Township and document the organization, functions, policies, decisions, procedures, operations, or other activities of the Township. The records maintained by the Township and the ability to access them are a means to provide trust between the public and the Township.

II. SCOPE:

The Fiscal Officer or her designee shall serve as the custodian of records ("COR") for all records maintained by the Township, except for non-personnel records maintained by the Police Department. For non-personnel records held by the Police Department, the COR is the Chief of Police or his designee.

The Fiscal Officer shall serve as the Public Records Officer ("POR") and the designee for all Township Trustees regarding public records training (required every two years).

The period of time for which the Township stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records to the Township, efficient business practices, and by reviewing the suggested retention periods developed by the Local Government Records Program for the Ohio Historical Society.

III. DEFINITIONS:

A. "Records." The Township uses the definition of "records" contained in Ohio Rev. Code § 149.011(G).

B. "Public Record." The Township uses the definition of "public records" contained in Ohio Rev. Code § 149.43(A)(1).

C. "Redaction." The Township uses the definition of "redaction" contained in Ohio Rev. Code § 149.43(A)(13).

D. "Confidential law enforcement investigatory record." The Township uses the definition of "confidential law enforcement investigatory record" contained in Ohio Rev. Code § 149.43(A)(2).

E. "Medical record." The Township uses the definition of "medical record" contained in Ohio Rev. Code § 149.43(A)(3).

F. "Trial preparation record." The Township uses the definition of "trial preparation record" contained in Ohio Rev. Code § 149.43(A)(4).

G. "EMT" means EMTs – basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT – basic, EMT – I, and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

IV. FEES:

A. The Township, in accordance with Ohio Rev. Code § 149.43(B)(6), may require that the requester pay in advance the cost involved in providing the copy of the public record, and has established the following fees for providing copies or reproductions of public records maintained by the Township:

1. For photocopies of either letter or legal-size documents, the fees shall be as follows:

   a) If fewer than twenty (20) pages of copies are requested, no fee will be charged. If the request exceeds twenty (20) pages, the fee will be five cents ($0.05) per page for all pages copied.

   b) Two-sided photocopies shall be charged at a rate of ten cents ($0.10) per sheet.

   c) For videotapes, CDs, DVDs, flash drives, thumb drives, or for any other type of media, the fee shall be the replacement cost of the blank media or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.

   d) Established costs/fees under this policy shall be clearly posted and conspicuous to the public.

2. There may be instances when the Township may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, the Township may offer the requester the options of: (1) having the documents produced through a faster method by employing temporary personnel and equipment; (2) using an external private contractor; or (3) having the documents produced in-house by the Township's normal staff and equipment in a less efficient and more time-consuming manner. Should the requester select option one (1) or two (2), the requester must pay the costs incurred by the Township for such service.

V. AVAILABILITY:

A. All public records maintained by the Township shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours, with the exception of published holidays.

1. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the requested records.

2. Township records are organized and maintained so that they are readily available for inspection and copying.

3. Record retention schedules will be updated regularly and available wherever the Township posts its Public Records Policy.

4. No record shall be removed, changed, modified, or destroyed except by a Township employee in the performance of his or her official duties and as authorized under state or federal law.

B. Individuals requesting access to inspect public records and/or to receive copies of public records are not required to reveal their identity or the reason for their request.

1. The requester must at least identify the records requested with sufficient clarity to allow the Township to identify, retrieve, and review the records.

a) The Township may ask the requester to voluntarily complete a written request explaining or identifying the records they wish to inspect and/or receive copies of, particularly if it would enhance the ability of the Township to identify, locate, or deliver the requested public records. The Township will first advise the requester that a written request is not mandatory.

2. In no event shall an individual be denied access to inspect and/or obtain copies of public records based on their refusal to identify themselves or complete a written request.

C. The Township does not limit the number of public records that it will make available to a single person, and does not limit the number of public records that it will make available during a fixed period of time.

D. To help prioritize and manage requests, records requests should be limited to no more than ten separate requests.

E. The Township will evaluate records requests for an estimated length of time to gather records.

1. The Township will satisfy record requests in a reasonable time.

2. Routine requests for records will be satisfied as soon as practicable (e.g., meeting minutes, budgets, etc., can be more quickly produced than records that require research, compilation, and redaction).

3. Requests beyond "routine," including requests for a voluminous number of copies or requiring extensive research, will be acknowledged as soon as practicable.

4. The Township has not established a fixed period of time before it will respond to a request for inspection or copying of public records.

F. This Policy does not allow a person seeking a copy of a public record to make the copies of the public record.

G. Currently incarcerated individuals are not permitted to inspect or obtain a copy of a public record concerning a criminal investigation unless the judge who imposed the sentence first finds that the information is necessary to support what appears to be a justiciable claim.

H. If a requester makes an ambiguous or overly broad request or has difficulty making a request for copies or inspection of public records and the Township cannot reasonably identify what public records are being requested, the Township may deny the request, but will provide the requester an opportunity to revise the request by informing him or her the manner in which the Township records are maintained and accessed.

I. Requests for copies of public records shall be directed to the COR. The Township has established general Schedules for Record Retention and Disposal (RC-2) for the Township.

J. Requests for the inspection of public records shall be directed to the COR. Inspection of records will take place during a scheduled meeting time. The COR and requester will establish the specific time and location of such an occurrence.

K. The Township does not have regular business hours for requests and records pick-up. Electronic requests via email to fiscal@smithtwpmcoh.gov and written requests received via USPS will be honored. An arrangement between the Fiscal Officer and the requestor will be made for document pick-up as needed.

L. Authorized Township employees shall comply with the following procedures upon receiving a valid public record request:

    1. Township employees shall forward the request to the COR.

    2. All public records requests require advance payment from the requester.

    3. Requesters will be charged the cost of postage and other supplies used in the mailing for all requests.

M. Requests for records that are not maintained, or records that are prohibited from release pursuant to state or federal law, are processed in the following manner:

    1. If the Township receives a written request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing that one of the following applies:

        a) the request involves records that have never been maintained by the Township; or

        b) the request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Township Schedules of Record Retention and Disposition (RC-2); or

        c) the request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1).

2. If the record that is requested is prohibited from release due to applicable state or federal law, the responsible Township employee shall respond to the requester, citing the applicable state or federal law.

3. If the record that is requested is not a record used or maintained by the Township, the requester will be notified that in accordance with Ohio Public Records law, the Township is under no obligation to create records to meet public record requests.

4. The Township will not provide records that do not exist at the time of the response to Public Records request, or records that are acquired after a response to a request is complete.

N. Media Types/Distribution of Records

1. If a person requests a copy of a public record, the Township shall permit the requester to have the public record duplicated on paper or upon the same medium upon which the Township maintains the public record, or upon any other medium on which the Township determines the record can reasonably be duplicated.

2. The request shall be acted upon and a copy of the pubic record prepared within a reasonable period of time. Fees shall apply in accordance with section IV of this policy.

3. Upon a request made in accordance with the Public Record Law and subject to the provisions of choosing a duplicating system, the Township shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period time after receiving the request for the copy. The Township may require advance payment for the cost of postage or the cost of transmission and for other supplies used in the mailing, delivery, or transmission.

O. Grievances

1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person will be advised that:

a) they may contact the COR; or

b) Ohio Rev. Code § 149.43(C)(1) provides a legal means for addressing a complaint in these disputes.

VI. PERSONNEL AND PERSONAL INFORMATION:

A. To better facilitate requests for inspection or information and/or copies of records involving current or past employees of the Township, inquiries for personnel files and personal information shall be directed to the COR.

1. To better facilitate, manage and administer this process, the Township has adopted a Schedule of Records Retention and Disposition (RC-2) for

Personnel Records.

2. Current employees will be notified if a request has been made to inspect or obtain a copy of their employment-related records.

3. Past employees may, at the discretion of the COR, be notified if a request has been made to inspect or obtain a copy of their employment-related records.

VII. EXEMPTED AND/OR RESTRICTED INFORMATION:

A. In accordance with state and federal law, Social Security Numbers are exempt from the Public Records Act. Public records containing Social Security Numbers will have that information redacted prior to their release.

B. If a request is made to inspect and/or obtain a copy of a record maintained by the Township whose release may be prohibited or exempted by either state or federal law, the request will be forwarded to the Township's legal counsel for review. The person submitting the request may be advised that their request is being reviewed by legal counsel to ensure that protected or exempted information is not improperly released by the Township.

C. Records whose release is prohibited or exempted by either state or federal law shall not be subject to public inspection. The following represents only a partial list of records that may be maintained by the Township, but that will not be inspected or copied:

1. Medical records--Ohio Rev. Code § 149.43(A)(1)(a);

2. Trial preparation records--Ohio Rev. Code § 149.43(A)(1)(g);
3. Confidential law enforcement investigatory records--Ohio Rev. Code § 149.43(A)(1)(h);

4. Security and infrastructure records--Ohio Rev. Code § 149.433;

5. Home addresses of Township employees, unless the employee is subject to a residency requirement--*State ex. rel. Dispatch Printing Co. v. Johnson*, 106 Ohio St. 3d 160, 833 N.E.2d 274 (2005);

6. E-mails and other documents that do not document the organization, functions, policies, decisions, procedures, operations, or other activities of the Township--*State ex rel. Wilson-Simmons v. Lake Cty. Sheriff's Dept.*, 82 Ohio St. 3d 37 (1998);

7. Attorney-client privileged records--*State ex rel. Taxpayers Coalition v. City of Lakewood*, 86 Ohio St. 3d 385 (1999); *State ex rel. Nix v. Cleveland*, 83 Ohio St. 3d 379 (1998); and

8. Information related to and maintained in accordance with the Americans with Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), and the Health Information Portability and Accountability Act (HIPAA). Those statutes require that qualifying personal medical information be kept separate

from regular personnel information, and maintained in a secured area. Such information may be released only to:

a) supervisors and managers in order to provide information regarding work restrictions;

b) first aid or safety personnel if the disability would require treatment or procedures related to the disability;

c) government officials investigating compliance with ADA, FMLA, and HIPAA provisions;

d) with respect to Bureau of Workers' Compensation injury funds or in compliance with workers' compensation laws; or

e) insurance companies that require medical examinations to provide health or life insurance for the employee.

9. Trade Secrets--Ohio Rev. Code § 149.43(A)(1)(v) and Ohio Rev. Code § 1333.61(D).

10. Confidential business information of an applicant for economic development assistance.

VIII. REDACTING EXEMPTED RECORDS / PROCEDURE:

A. A redaction is a denial of a public records request, unless state or federal law authorizes or requires the redaction. Therefore, the Township will notify the requester of any redaction or will make the redaction plainly visible. Remaining public information will be provided.

B. When a redaction is made to a requested public record, upon request the Township will provide the requester with an explanation, including legal authority, setting forth why the information was redacted. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing.

IX. PROCEDURE FOR RELEASING REDACTED RECORDS:

A. After reviewing the requested record and determining that it contains non-releasable information, the releasing employee shall make a copy of all pages containing the excluded information.

B. The releasing employee shall color over the restricted information on the reproduced copy with a black marking pen, or shall make the redaction electronically, if that is a reasonable and reliable option, as determined in the Township's sole discretion.

C. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.

D. The first reproduction page, with the original redactions made by the employee, is the

work sheet. It may be attached to the original record, and may also be maintained in accordance with the retention period established for the original document.

E. If a request is made for an electronic record, and the record contains protected information, the record will be printed, and exempt information redacted according to the policy of redaction of records listed in this policy. Protected information may not be redacted electronically, if it is neither feasible nor reasonable to do so.

X. AMERICAN WITH DISABILITIES ACT (ADA) COMPLIANCE:

The Township and its employees will facilitate requests made by all persons, regardless of handicap or disability. Employees authorized to release public records will make all reasonable accommodations to ensure that public access is not denied based on a handicap or disability.

XI. POSTING:

This Policy will be posted on the Township's website (smithtownship.net), in the Township's administration building (846 N. Johnson Rd. Sebring, Ohio 44672), and in the Smith Township Roads Department building (21800 Courtney Rd. Alliance, Ohio 44601) along with a Public Records Request form to be printed and provided to the Township at the requester's discretion. If applicable, the Township will incorporate this policy into all handbooks or policy manuals furnished by the Township to its employees.

XII. TRAINING:

The Township's Fiscal Officer, shall attend the public records training approved by the Ohio Attorney General and serve as the Public Records Office and designee for Township Trustees. Training is required every two years.

This policy was reviewed/approved/adopted by Smith Township Mahoning County Trustees on the 6th day of October, 2026 during an open regular meeting.

Resolution: 2026-1006-04

Certified by Susan Terry, Fiscal Officer: _____

PUBLIC RECORDS POLICY FOR SMITH TOWNSHIP

This public office documents its operations and functions through records. Our public records are available for inspection and copying in accordance with the Ohio Public Records Act (R.C. 149.43).

You have the right to:

- Inspect public records promptly during regular operational hours or by set meeting as required.
- Receive copies of public records within a reasonable timeframe.
- Request records without giving your name, putting the request in writing, or explaining why you want them.
- Receive written explanation, including specific legal authority, if any part of your request is denied.

Copying Costs:

- Paper copies: $.10 per page.
- Electronic delivery via email: Free of charge.
- Mailing/shipping: Actual cost of postage and packaging material.

All costs associated with copying must be provided in advance.

For questions or to submit a Township public records request, please contact the Township Fiscal Officer via email: Fiscal@smithtwpmcoh.gov

For questions or to submit a Smith Township Police Department public records request, please contact the Records Clerk via email: Smithtwppd@sbcglobal.net

SMITH TOWNSHIP, MAHONING COUNTY, OHIO
PUBLIC RECORDS REQUEST FORM

Under **Ohio Revised Code § 149.43**, you are **not legally required** to provide your name, contact information, or your reason for making this request. This form includes explicit legal reminders so that the township staff cannot improperly deny your request.

You may provide your request via email (fiscal@smithtwpmcoh.gov) or US Mail: 846 N. Johnson Rd., Sebring, OH 44672

Township Name: Smith Township, Mahoning County, Ohio
Date of Request: _____

Notice to Requester: *Under the Ohio Public Records Act, you are NOT required to put your request in writing, disclose your identity, or state the intended use of the records. Providing contact information is completely voluntary and is requested solely to help us deliver the records to you as quickly as possible.*

1. REQUESTER CONTACT INFORMATION *(OPTIONAL)*

- **Name:** _____
- **Mailing Address:** _____
- **City, State, Zip:** _____
- **Phone Number:** _____
- **Email Address:** _____

2. DESCRIPTION OF REQUESTED RECORDS

Please be as specific as possible. Include relevant names, timeframes, date ranges, subject matter, or case numbers to assist the township in accurately locating the records.

_____

_____

_____

_____

3. PREFERRED DELIVERY METHOD *(CHOOSE ONE)*

_____ **Inspection Only:** I wish to inspect the original records at the township office during standard business hours (Free of charge). *An appointment may be required due to location of records and/or availability of Township personnel.*

_____ **Electronic Copy (Email):** Please email the files to the address provided above (Free of charge).

_____ **Paper Copies via US Mail:** Please print and mail the records to my address provided above. *(Standard statutory fees apply—typically $0.10 per page plus actual postage costs).*

_____ **Physical Pickup:** Please prepare paper copies or electronic media (CD/USB) for pickup. (*There will be associated costs required prior to picking up the records). A scheduled appointment may be required due to location of the records and/or availability of Township personnel.*

FOR TOWNSHIP INTERNAL USE ONLY *(DO NOT WRITE BELOW THIS LINE)*

- **Staff Member Receiving Request:** _____
- **Date & Time Received:** _____
- **Method Received:** [ ] Email [ ] In-person [ ] Phone [ ] Mail
- **Total Pages Generated:** _____ **Total Cost Assessed:** $_____
- **Date Request Completed:** _____
- **Method of Fulfillment:** [ ] Email [ ] In-person [ ] Phone [ ] Mail
- **Staff Member who Fulfilled the Request:** _____
- **Legal Redactions Applied (if any):** [ ] No [ ] Yes *(Cite statutory exemption below)*
    - *Exemption Authority (ORC § 149.43):*

_____

_____

_____

SMITH TOWNSHIP, MAHONING COUNTY

EMPLOYEE RECEIPT AND ACKNOWLEDGMENT OF PUBLIC RECORDS POLICY

Ohio Revised Code Section 149.43(E)(1) requires that the public records policy adopted by the Township be distributed to, and receipt acknowledged by, the employee who serves as the custodian of records or whose duties involve the management of public records.

I hereby acknowledge that I have received a copy of the Smith Township Public Records Policy (Resolution No. 2026-1006-04/Exhibit A). I understand that it is my responsibility to read, familiarize myself with, and follow the guidelines and rules set forth in this policy when handling public records requests on behalf of the Township.

_____

Employee/Records Custodian Signature

_____

Printed Employee Name

_____

Date

Instructions to Fiscal Officer: Maintain this signed and dated acknowledgment form in the employee's personnel file or the township's master compliance file.