

**AN ORDINANCE**  
**AMENDING CODIFIED ORDINANCE CHAPTER 148**  
**REGARDING RECORDS COMMISSION,**  
**AND DECLARING AN EMERGENCY**

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That Codified Ordinance Section 148 which presently reads as follows:

CHAPTER 148  
Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

CROSS REFERENCE

- Privacy Act Rules - see ADM. 151.12
- State law provisions - see Ohio R.C. 149.39 et seq.

148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor as chairman, and three officers or citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. Commission members shall serve at the pleasure of the Mayor. (Ord. 77-119. Passed 11-7-77.)

148.02 FUNCTIONS OF COMMISSION.

The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03. (Ord. 77-119. Passed 11-7-77.)

148.03 DISPOSAL OF RECORDS.

When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the municipal Records Commission, in whole or in part, it shall so

inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value.

(Ord. 77-119. Passed 11-7-77.)

#### 148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

**be and the same is amended to read:**

### CHAPTER 148 Records Commission

- 148.01 Establishment of Commission.
- 148.02 Functions of Commission.
- 148.03 Disposal of records.
- 148.04 Records and archives defined.

#### CROSS REFERENCE

Privacy Act Rules - see ADM. 151.12

State law provisions - see Ohio R.C. 149.39 et seq.

#### 148.01 ESTABLISHMENT OF COMMISSION.

There is hereby created and established in the City a Records Commission composed of the Mayor or their designee as chairman, and three officers the Director of Finance, the Director of Law, and ~~or~~ citizens named by the Mayor. The Commission shall appoint a secretary who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. Commission members shall serve at the pleasure of the Mayor. The Commission shall meet at least once every six months and upon the call of the Chairperson.

(Ord. 77-119. Passed 11-7-77.)

#### ~~148.02 FUNCTIONS OF COMMISSION.~~

—The functions of the commission shall be to provide rules for retention and disposal of records of the municipal corporation, and to review applications for one-time disposal of obsolete records and schedules of records retention and disposition submitted by municipal offices. The commission may dispose of records pursuant to the procedure outlined in section

~~149.381 of the Revised Code. The commission, at any time, may review any schedule it has previously approved and, for good cause shown, may revise that schedule under the procedure outlined in that section. The functions of the City Records Commission shall be to review records disposal lists submitted by municipal offices. Disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to its citizens. Such records may be disposed of by the Commission pursuant to Section 148.03. (Ord. 77-119. Passed 11-7-77.)~~

#### 148.03 DISPOSAL OF RECORDS.

~~Records shall be disposed of per the regulations provided in ORC 149.381. When municipal records have been approved for disposal, a list or description thereof shall be published in a newspaper of general circulation in Cuyahoga County, Ohio, on the same day of the week for two consecutive weeks, and a copy of such records list shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the municipal Records Commission, in whole or in part, it shall so inform the Commission within a period of sixty days. Before records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such records as it may deem to be of continuing historical value. (Ord. 77-119. Passed 11-7-77.)~~

#### 148.04 RECORDS AND ARCHIVES DEFINED.

Any document, device or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the City which serves to document the organization, functions, policies, decisions, procedure, operations or other activities of the office, is a record within the meaning of this chapter.

Any public record which is transferred to an archival institution pursuant to this chapter because of the historical information contained therein shall be deemed to be an archive within the meaning of this chapter.

(Ord. 77-119. Passed 11-7-77.)

**SECTION 2.** That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to ensure that said pool repairs move forward expeditiously, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

9/28/15 II