

The Board of Directors of the Cuyahoga County Land Reutilization Corporation (the “Board of Directors” or this “Board”) met for its regular quarterly meeting on the 29<sup>th</sup> day of March, 2019 at 10:00 o’clock, a.m., eastern time, in the Board Conference Room of its offices located at 812 Huron Rd. E., Suite 800, Cleveland, Ohio 44115 with the following Directors present and voting on this Resolution as indicated:

Dan Brady, Cuyahoga County Council Appointee represented by: Michael King  
Anthony Brancatelli, Councilman, Ward 12, City of Cleveland and Board Chair  
Armond Budish, Cuyahoga County Executive, represented by: Ken Surratt  
Nathan Kelly, Managing Director, Cushman & Wakefield/CRESCO  
Edward Rybka, Chief of Regional Development, City of Cleveland  
Brad Sellers, Mayor of the City of Warrensville Heights  
April Urban, CWRU Center on Urban Poverty and Community Development

Michael King moved the adoption of the following resolution (this “Resolution”):

RESOLUTION NO. 2019-1

AMENDING THE PUBLIC RECORDS POLICY OF THE CORPORATION

WHEREAS, on May 22, 2009 the Board of Directors of Cuyahoga County Land Reutilization Corporation (the “Board” and the “CCLRC” respectively), upon acknowledging that the CCLRC is a “public office” as defined in division (A) of Section 149.011 of the Ohio Revised Code (the “Revised Code”) and the information that it holds and maintains constitutes a “public record” as defined in division (A)(1) of Revised Code Section 149.43, except as otherwise provided in subdivisions (1)(a)-(z) of division (A) of Revised Code Section 149.43 and Revised Code Section 1724.11, adopted Resolution 2009-5 to provide for the CCLRC a public records policy as supplemental to, and not in derogation of, the provisions in Revised Code Chapter 149 related to public records (the “Original Policy”); and

WHEREAS, the President of the CCLRC is now requesting that the Board adopt certain amendments to the Original Policy (the “Amendments”) necessitated by the passage of time to make the Original Policy consistent with the current operations of the CCLRC, while maintaining the CCLRC’s compliance under Revised Code Section 149.43 and related statutes; and

WHEREAS, this Board hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board, and that all the deliberations of this Board, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Cuyahoga County Land Reutilization Corporation that:

Section 1. This Board hereby adopts the amendments to the Original Policy as set forth in Exhibit A attached to this Resolution and incorporated herein as if fully rewritten herein (the “Amended Policy”) and confirms and directs that the provisions of the Original Policy not affected by the Amendments shall remain in full force and effect. The Board hereby authorizes and directs the President to cause a copy of the Amended Policy be posted in an area of the offices of the CCLRC accessible to and for the information of the general public.

Section 2. This Resolution shall take effect and be in force immediately upon its adoption.

Mayor Brad Sellers seconded the motion.

Upon roll call on the adoption of this Resolution, the vote was as follows:

Ayes: 6

Nays: 0

The undersigned, Secretary of the Cuyahoga County Land Reutilization Corporation, certifies that the foregoing is a true and correct excerpt from the minutes of the meeting of March 29, 2019, of the Board of Directors of the Cuyahoga County Land Reutilization Corporation, showing the adoption of the Resolution above set forth.



Secretary  
Cuyahoga County Land Reutilization Corporation

Dated: March 29, 2019

FUNDING INFORMATION FOR RESOLUTION  
(CHECK AND COMPLETE APPLICABLE SELECTION)

Not Applicable to this Resolution since only amendments to the Public Records Policy and not a specific expenditure is being authorized.

Fund to be charged: # \_\_\_\_\_  
Account to be charged: # \_\_\_\_\_  
Unencumbered Funds Available: \$ \_\_\_\_\_  
Amount to be charged: \$ \_\_\_\_\_

# EXHIBIT A

## PUBLIC RECORDS POLICY WITH AMENDMENTS



### CUYAHOGA COUNTY LAND REUTILIZATION CORPORATION

#### PUBLIC RECORDS POLICY

Formalbook Index: LRR: 0'

##### **Introduction:**

The Cuyahoga County Land Reutilization Corporation (the "CCLRC") hereby acknowledges that it is subject to the provisions of Chapter 149 of the Ohio Revised Code (the "Revised Code" and Chapter 149 thereof, the "Public Records Law"). It is the policy of the CCLRC that transparency in conducting public business leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of the CCLRC to strictly adhere to its obligations under the Public Records Law. It is also the policy of the CCLRC that exemptions from disclosure established by federal or State of Ohio (the "State") law must be applied when and where applicable, particularly where the laws are intended to protect the rights of third parties.

**Section 1. Public Records Defined.** The CCLRC, in accordance with Sections 149.01(A) and 149.03 of the Ohio Revised Code, defines a "public record" for the purposes of this Policy as: any item that is kept by the CCLRC that: (1) is stored on a hard medium; (2) created, received, or sent under the jurisdiction of a public office; and (3) documents the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC. Public records under this Policy do not include any of the records described in (c) items (a) through (d) and including (e) of subsection (A)(1) of Section 149.03 of the Revised Code and (c) items (1) and (2) of division (A) of Section 1724.11 of the Revised Code.

**Section 1.1. Policy regarding Availability of Public Records.** It is the policy of the CCLRC that, as required by Ohio law, public records will be organized and maintained so that they are available for inspection and copying in accordance with the Public Records Law. The CCLRC shall designate a public records manager to whom requests for public records of the CCLRC should be directed. The contact information of the CCLRC's public records manager shall be included on the publicly available website of the CCLRC.

**Section 1.2. Policy regarding Record Retention Schedules.** The CCLRC shall come to be prepared in accordance with the rules and regulations of the Cuyahoga County Records Commission record retention schedules and shall make such schedules available to the public in accordance with the policy set forth in Section 1.1 hereof.

**Section 2. Public Record Requests.** Each request for public records should be processed for a response using the following guidelines:

**Section 2.1. Efficiency of a Public Record Request: Clarification.** Although no specific language is required to make a public record request, the requester must at least identify the public records requested with sufficient clarity to allow the public office to identify, review, and review the public records. If it is not clear what public records are being sought, the public records manager/employee must contact the requester for clarification, and should assist the requester in refining the request by informing the requester of the manner in which the office keeps its public records.

**Section 2.2. Form of Public Record Request.** The requester of the public record does not have to make his/her public record request in writing and does not have to provide his or her identity or the intended use of the requested public record. It is the general policy of the CCLRC that the foregoing information may be requested only if: (a) the written request or the disclosure of identity of the requester or (b) the intended use of the record would benefit the requester by enhancing the ability of the CCLRC to identify, locate or deliver the requested public record and (c) the requester is informed that the written request or disclosure of identity of the requester or intended use of the record is not mandatory.

**Section 2.3. Availability of Public Records.** Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "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 records requested.

**Section 2.4. Routine and Non-routine Public Record Requests.** Each public record request should be evaluated for an estimated length of time required to gather the public records. Routine requests for public records should be satisfied immediately, if feasible to do so. Routine requests include existing minutes, budgets, salary information, forms and applications, and such other public record requests that the CCLRC deems to be "routine". If any of these records contain information exempt from disclosure under subsection (A)(1) of Section 149.03 of the Revised Code or subsection (A)(1) or (A)(2) of Section 1724.11 of the Revised Code, such as social security numbers or other

confidential information, a request for such information cannot be handled as a "routine request." If fewer than 20 pages of copies are requested or if the public records are readily available in an electronic format that can be e-mailed or downloaded easily, those public records should be made available as quickly as possible, taking into account the time required for legal review or redaction of the public records requested, when applicable. The CCLRC will strive to acknowledge all requests for public records and provide an estimate of the number of business days it will take to satisfy the request within three business days following the public records manager/employee's receipt of the request.

**Section 2.5. Explanation of Basis for Denial of a Public Record Request.** Any denial of a public record request must include an explanation, including legal authority, of the basis for the denial. If portions of a record are public and portions are exempt from being ~~exempt from disclosure~~, the exempt portions are to be redacted and the rest of the public record released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, for the redaction. If the initial request was in writing, the explanation shall also be provided in writing.

**Section 3. Cost for Public Records.** Those seeking a copy of a public record will be charged only the actual out-of-pocket cost of making such of the copies.

**Section 3.1. Out-of-Pocket Cost of Paper Copies.** The charge per page for a paper copy is 5 cents (5.00) per page (black/white) and 10 cents (10.00) per page (color). ~~The first 10 copies will be free of charge.~~

**Section 3.2. Out-of-Pocket Cost of CD-ROM/Electronic Copy/Copies.** The charge for downloading and having computer files to a CD-ROM disc is 36 cents (3.36) per CD-ROM disc. ~~Charges will be at cost for downloading files onto portable electronic storage.~~

**Section 3.3. No Cost for Documents Directly Deliverable by E-Mail.** There is no charge for delivery of a copy of a document ~~hyper-electronically~~ if the document is held in the form of a downloadable computer file making no additional formatting.

**Section 3.4. Delivery of Paper Copies by U.S. Mail or Private Delivery Service.** Requesters may ask that paper copies of public record documents be sent to them via U.S. Mail or private delivery service. Such persons will be charged, in addition to any cost for the paper copies, the actual cost of the U.S. postage or, if specifically requested, the actual cost of a private delivery service, plus the actual cost of any mailing supplies used in connection with the delivery.

**Section 3.5. Payment for Delivery in Advance.** The CCLRC may require the requester of a copy of Public Records to pay in advance the actual cost involved in delivery of the copies, including postage, if any.

##### **Section 4. E-mail**

Documents held by CCLRC in electronic mail format are public records when their content relates to the business of the CCLRC. E-mail documents are to be treated in the same fashion as records in other formats and should follow the same record retention schedule.

**Section 4.1. Use of Private E-Mail Accounts.** Directors, officers or employees of the CCLRC who use private e-mail accounts to conduct public business create records that may be subject to disclosure in accordance with the Public Records Law. All directors, officers and employees or representatives of the CCLRC shall be instructed to comply with the records retention policy of the CCLRC with regard to all e-mails in private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC, and to make them available to the records' custodian of the CCLRC in a timely manner, if so requested.

**Section 4.2. Treatment of E-Mails from and to Private Accounts.** The records' custodian shall be instructed to treat the e-mails from private accounts that document the organization, functions, policies, decisions, procedures, operations, or other activities of the CCLRC as public records of the CCLRC. Filing them in the appropriate way, retaining them in accordance with established records' retention schedules and making them available for inspection and copying in accordance with the Public Records Law.

**Section 5. Failure to Respond to a Public Record Request.** The CCLRC recognizes that the consequences of failing to properly respond to a public records request in accordance with State law may result in a court ordering the CCLRC to comply with the law and to pay the requester attorney's fees and attorney charges.

Adopted: May 22, 2009 Revised: March 29, 2018