

CLERMONT COUNTY BOARD OF COMMISSIONERS ADMINISTRATIVE POLICY MANUAL

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CLERMONT COUNTY BOARD OF COMMISSIONERS
ADMINISTRATIVE POLICY MANUAL

**SECTION 1: RULES OF PROCEDURE FOR SESSION OF
THE CLERMONT COUNTY BOARD OF COUNTY
COMMISSIONERS**

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I. PURPOSE

The purpose of the Rules of Procedure (hereinafter referred to as "Rules") is to guide the Clermont County Board of County Commissioners (hereinafter referred to as "Board"), staff, and the public in preparing for and conducting sessions of the Board.

II. DEFINITIONS

The following definitions shall apply with regard to these Rules:

- **Member** - a member of the Clermont County Board of County Commissioners.

- **Regular Agenda** – a list of items to be acted upon and matters to be considered.

- **Consent Agenda** – part of the *regular agenda*. A listing of items that are considered non-controversial, which do not generally need explanation or debate, such as approval of budget amendments, personnel actions, training and travel, minutes, etc., and other items that may be routine. A consent agenda may be presented at any *regular session* of the Board. The intent of the consent agenda is to expedite processing for repetitious or routine items of business.

- **Regular Session** - a regularly scheduled and advertised session of the Board with which to conduct public business.

- **Executive Session** – a portion of a session where only certain permitted subjects may be discussed. Executive session is authorized for only those limited purposes set forth in Ohio Revised Code 121.22 (G). Executive sessions of the Board are not open to the public or media, and only individuals requested or ordered to attend are permitted to attend.

- **County Staff / Elected Official Discussion** – a *regular session* or *special session* agenda item, as needed, wherein the Board and county staff or elected officials discuss specific topic(s) but no formal action will be taken by the Board. The topic(s) will be specified on the agenda along with the name of the staff, department, or elected official.

- **Special Session** – the Board must establish, by rule, a reasonable method that allows the public to determine the time, place, and purpose of special sessions.
 - The Board must provide at least 24 hours' advance notification of special sessions to all media outlets that have requested such notification, except in the event of an emergency requiring immediate official action (see *emergency sessions*).
 - When the Board holds a special session to discuss particular issues, the statement of the session's purpose must specifically indicate those issues, and the Board may only discuss those specified issues at that session. When a special session is simply a rescheduled *regular session* occurring at a different time, the statement of the session's purpose may be for "general purposes."

- **Emergency Sessions** – An emergency session is a type of *special session* that the Board convenes when a situation requires immediate official action. Rather than the 24-hours advance notice usually required, a public body scheduling an emergency session must notify all media outlets that have specifically requested such notice of

the time, place and purpose of the emergency session. The purpose statement must comport with the specificity requirements discussed above.

III. AGENDA PREPARATION

The Clerk of the Board, with the assistance of the Board's staff, shall prepare a draft agenda for each session. Department Heads, Elected Officials, or designated staff, must send a Motion and Topic Paper detailing their request to the Clerk's Office with backup data (as required) at least ten (10) days prior to the session. The County Administrator can waive the ten (10) days prior submission requirement, as needed.

The draft agenda shall include, for each item of business placed on it, as much background information on the subject as is available and feasible to reproduce. Large extensive documents may be placed in the Clerk's office, for the public to review. A copy of the draft agenda and attached materials shall be available for public inspection as soon as they are completed. Each *Member* shall receive a copy of the draft agenda for *regular sessions* at least three (3) days prior to the *regular session*. Upon a majority vote at any *regular session* of the Board, other than a *special session* or *emergency session*, any *Member* or the County Administrator may request that an additional item be placed on the agenda for Board consideration.

IV. BOARD SESSIONS

With the exception of *executive sessions* (i.e., "closed sessions"), all sessions of the Board are open to the public and to representatives of the media. No person shall disturb a lawful session nor obstruct the official business of the Board. During Board sessions, only the business of Board will be addressed. If not within the purview of the Board's responsibilities, the Board will attempt to direct that individual or group of individuals to the appropriate person or agency or will direct staff to do so.

A. Duties of the President

The Board President shall preside at all sessions of the Board. The Board President shall have the following duties and powers:

1. To rule motions in or out of order including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To control debate among *Members* unless relinquishing control to another *Member*;
3. To determine whether a speaker's remarks, gesture, or display obstructs or interferes with the session and to entertain and rule on objections from other *Members* on this ground;
4. To ensure compliance with the Rules and refer questions on the Rules and session procedures to the County Prosecuting Attorney;
5. To call a brief recess at any time;
6. To call a recess with a specific date, time and location of reconvening.
7. To adjourn in an emergency; and
8. To ensure these Rules are followed and the discretion to vary from them.

B. Duties of the Vice-President

The Vice-President of the Board shall perform the duties of the President in the absence of the President.

Upon request by the President, the Vice-President may perform the duties of the President. Should the Vice-President be absent or refuse the request from the President, the remaining *Member* may perform the duties of the President.

C. Member to be Excused

Any *Member* who leaves a session without being excused by majority vote of the *Members* present, shall subject his/her vote to being counted with the prevailing side on any issue. If the *Member* is excused by majority vote, no vote shall be counted for the excused *Member*.

D. Order of Business

Items may be placed on the agenda according to the "Order of Business." By general consent of the Board, items may be considered out of order.

1. Determination of a Quorum
2. Call to Order with the Pledge
3. Excusing *Member* not present
4. Approval of the Minutes
5. Proclamations, if any
6. Scheduled Public Hearings, if any (at published time)
7. Presentations, if any
8. Public Participation, if requested and granted
9. *Consent Agenda* Items, if presented
10. *Non-Consent Agenda* Items
11. Additional Agenda Items, if any
12. *Executive Session*, if requested and granted
13. Return to *Regular Session* from *Executive Session*
14. County Staff / Elected Official Discussion
15. *Member* Comments
16. Adjournment

E. Actions by the Board

1. Motions:
 - a. Any *Member* may make a motion.
 - b. One motion may be made and seconded at a time. A second is required on all motions. A motion will not be considered by the Board should it fail to receive a second.
 - c. The *Member* who makes the motion is entitled to speak first.
 - d. The Board President shall restate the motion and then open the floor to discussion.
 - e. A *Member* who has not spoken on the issue shall be recognized before a *Member* who has already spoken on the issue.
 - f. To the extent possible, the debate among *Members* shall alternate between the opponents and the proponents of the issue.
 - g. No *Member* shall interrupt another while speaking, except to raise a point of order, to ask a question or for information only. The point should be briefly stated to the presiding officer.
 - h. A *Member* may **amend** a motion by moving to amend the main motion and stating the proposed amendments.
 - i. A *Member* may **defer** a motion to a certain date.

- j. A *Member* may table a motion for a future date uncertain.
 - k. A calling for the vote is not in order until there has been an opportunity for every *Member* desiring to speak, to speak one time. The vote may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation on a pending matter.
 - l. A *Member* may approve a motion by voting for it, or disapprove a motion by voting against it.
 - m. A *Member* may abstain from voting on an issue. Any *Member* who abstains for cause, as defined by state law, on any motion coming to a vote before the Board shall not be counted in determining the number of votes needed for a majority.
 - n. A *Member* may make a motion to adjourn the session. A motion to adjourn takes precedence over all other motions or matters. A motion to adjourn is not in order until there has been an opportunity for all agenda items to be addressed. A majority vote is required.
2. *Consent Agenda:*
The *consent agenda* shall be introduced by a motion to "Approve the *consent agenda*," and shall be considered by the Board as a single item. Approval of the motion to approve the *consent agenda* shall constitute approval, adoption or enactment of each motion, resolution, or other item of business thereon, exactly as if each had been acted upon individually. There shall be no debate or discussion by any *Member* regarding an item on the consent agenda, beyond asking questions for clarification. By request of any *Member*, an item shall be removed from the *consent agenda* for discussion and voted upon individually. Items removed from the *consent agenda* shall be considered individually, immediately after the vote on the *consent agenda* has been taken, and in the order in which they appeared on the *consent agenda*.

F. Executive Session

The Board may only hold *executive sessions* as provided by Ohio Revised Code Section 121.22 (G). The President shall cite the ORC Statute and the statutory reason authorizing *executive session* prior to going into *executive session*, and ask for the proper motion to do so. The Board shall commence an *executive session* by a majority vote to do so and terminate an *executive session* by the President stating the Board's return to *regular session*. No formal action may be taken by the Board in the *executive session*.

G. Public Conduct

- 1. The public is expected to remain seated except when entering or leaving the room, or unless specifically requested by the Board President to approach the podium.
- 2. The Board President may remove any person who intentionally prevents or disrupts a session by any act which obstructs or interferes with the due conduct of such meeting. A majority vote by the Board may overrule the President if a vote is requested.
- 3. The Board President may remove any person who prevents, obstructs, or delays the Board by any act that hampers or impedes the Board in the performance of its

official, lawful duties. A majority vote by the Board may overrule the President if a vote is requested.

V. PRESENTATIONS

The Board, an individual *Member* or County Administrator may invite an individual, group of individuals or organization to make a presentation to the Board on a specific topic. The topic shall be placed on the agenda identifying the topic as well as the presenting group, organization and/or individual.

VI. PUBLIC PARTICIPATION

These rules establish the standard of conduct for the public who are granted permission to speak during the public participation section of the agenda. No public participant shall disturb a lawful session nor obstruct the official business of the Board. The Board reserves the right to refuse the request to speak if the topic is not within the purview of the Board's responsibilities. If not within the purview of the Board's responsibilities, the Board may attempt to direct that individual or group of individuals to the appropriate person or agency, or will direct staff to do so.

- A.** Each speaker must be recognized by the Board President before speaking. A majority vote by the Board may overrule the President if a vote is requested.
- B.** Each member of the public who appears before the Board shall be limited to two (2) minutes in their presentation on a particular item (or a speaker representing a group of individuals or an organization) limited to a maximum of two (2) minutes on a presentation who appears before the Board to speak. Unless otherwise directed by the Board President, each speaker shall speak from the podium. The speaker shall state their name, address, and organization (if applicable) for the record.
- C.** The maximum time for the public participation section of the agenda, regardless of the number of speakers wishing to address the Board, shall be limited to fifteen (15) minutes.
- D.** The Board may, by majority vote, modify the time allocations described in Sections B and C above.
- E.** Unless otherwise permitted by the Board, each speaker shall only speak once on a particular item.
- F.** All comments are to be directed to the Board and not individuals in the audience.
- G.** Public participation shall be comment only. The public and the Board will not engage in a debate. Questions from the Board shall be limited to points of clarification. The Board President may limit the discussion if necessary to maintain order and adherence to these Rules.
- H.** Any documents or other materials presented by a speaker during public participation will not be accepted by the Board and will only be included in the minutes by reference. The speaker will be given the option to submit the documents or other materials to the office of the Clerk of the Board.
- I.** The Board will not act on issues initially raised by the public. The Board may direct staff to research the subject matter and to report necessary and relevant information to all *Members*.
- J.** A personnel complaint against an individual County employee shall not be heard initially at a Board session. Personnel complaints shall be submitted to the Board in writing through the County Administrator's office. Complaints regarding the County Administrator shall not be heard initially at the Board session, but must be submitted in writing to the Board President.

- K. The Board President may prohibit a speaker from continuing if a speaker's comments are not within the Board's purview. A majority vote by the Board may overrule the President if a vote is requested.
- L. When deemed necessary because of time constraints or exigent circumstances, the Board President may request that persons who wish to speak at a session return and speak at the next scheduled session, or submit correspondence to the Board President.

VII. AMENDMENT OF RULES

These Rules may be amended or repealed by a vote of the majority of the Board. Rules shall become effective at the next *regular session* after approval. A rule may be temporarily suspended by a majority vote of the Board.

VIII. STATUTORY CONFLICT

In the event any of the foregoing Rules are determined to be in conflict with statutory provisions, then only that part in conflict shall be null and void. The remainder shall remain in full force and effect.

VI. POSTING OF THE RULES

There shall be a copy of these Rules posted for public review in the office of the Board and on the County Website.

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SECTION 2: SOCIAL MEDIA POLICY FOR EXTERNAL USERS

Clermont County government, under the auspices of the Board of County Commissioners, has a number of social media accounts that are used to offer news and information about Clermont County to the residents who live and work here, County employees, as well as visitors.

These social media accounts currently include Facebook (<https://www.facebook.com/ClermontCounty>), YouTube (<https://www.youtube.com/clermontcounty>), Instagram (https://www.instagram.com/clermont_county), Twitter (<https://twitter.com/ClermontCounty>) and NextDoor (<https://nextdoor.com>).

Clermont County government uses these accounts to inform its users about, among other things:

- Government activities and events
- Government initiatives and accomplishments
- Health and safety issues
- Disaster and emergency preparedness
- News during emergencies
- General events in Clermont County

These accounts are also used to share information from other Clermont County jurisdictions, including townships, cities and villages, school districts, boards and agencies; as well as information from the State of Ohio, and from the U.S. government. The accounts are also used to share information from non-profit organizations within the county and Greater Cincinnati.

The social media accounts are for informational purposes only and are not intended to be a forum for debate or discourse. If a user is seeking information about Clermont County, we do our best to answer the question and direct them appropriately.

Social media should not be used to reach us when you need a direct response. Communications to our agency on social media does not constitute any form of legal notice.

Comments on our social media feeds do not appear on our site but are maintained for three years and can be requested through the Public Records Policy.

Public Records Law

Clermont County social media sites are subject to Ohio public records laws. Any content maintained in a social media format related to agency business, including communication posted by Clermont

County and communication received from citizens, is a public record. The department maintaining the site is responsible for responding completely and accurately to any public records request for social media content.

Under Clermont County's records retention policy, all County social media posts will be kept until they are updated, superseded or rendered obsolete. All backup and metadata of social media posts will be kept for three years via third-party software.



PUBLIC RECORDS POSTER

This poster is a summary of the Clermont County Public Records Policy.

- All Public Records as defined by 149.43 of the Ohio Revised Code responsive to the request shall be promptly prepared and made available for inspection to any person within a reasonable amount of time during regular business hours.
- Records are available Monday through Friday from 8:00 AM to 4:30 PM.
- There will be a per copy fee charged in accordance with the adopted fee schedule. Advance payment may be required before any copies are prepared.
- Public Records Requests will be given prompt attention and fulfilled as soon as possible.
- Public Records Request Forms are available but are not required.
- Records Retention Schedules for all County Offices/Agencies and a full copy of the Clermont County Public Records Policy are located at <http://www.clermontcountyohio.gov/> under Transparency, Public Records Retention Policy.

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SECTION 3: PUBLIC RECORDS POLICY

I. Purpose:

The Clermont County Board of Commissioners and all Offices and Agencies under its jurisdiction thereof maintain various records that support the accountability of our Government. In accordance with Ohio Revised Code 149.38 and the Clermont County Records Commission, Clermont County has adopted Records Retention Schedules (RC-2) that identify these records. The Schedules identify records that are stored on a fixed medium (paper, computer, storage disks/drives, film, etc.), are created, received, or sent under the jurisdiction of the Board of Commissioners, and which document the organization, functions, policies, decisions, procedures, operations, or other activities of the office. The Clermont County Board of Commissioners have adopted a Public Records Policy to ensure all public records responsive to a public records request are promptly prepared and made available for inspection to any person at all reasonable times during regular business hours.

II. Scope:

- A. Each office, department or division that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or division.
- B. Each Commissioner Office/Agency has a copy of the public records policy. R.C. 149.43(E)(2)
- C. This Public Records Policy, as well as the Records Retention Schedules (RC-2) for each Commissioner Office/Agency is available at every location in which the public may access public records. Copies of all RC-2's and the Public Records Policy are available within the SharePoint Directory and the County website at <https://www.clermontcountyohio.gov>.
- D. Clermont County Offices and Agencies display a poster which describes the availability of public records at every location in which the public may access the records.

III. Fees:

The Clermont County Board of Commissioners, in accordance with Section 149.43(B)(6) of the Revised Code, has established the following fees for providing copies of public records maintained by the Offices/Agencies.

Media	Cost
Paper (8.5 x 11 through 11 x 17)	\$0.05 per page for black and white copies
	\$0.10 per page for color copies
Standard Paper Map (E size)	\$10.00 for black and white
	\$15.00 for color
DVD	\$2.00 per DVD
CD-R	\$1.00 per CD
Other Media (Flash Drives, etc.)	At cost
Postage	At cost, including packaging
GIS *see Planning Department's GIS price list	

IV. Availability:

- A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours. (R.C. 149.43 (B)(1)). Promptness is determined by the facts and circumstances of each public records request.
- B. The person requesting records must identify those records with sufficient clarity to allow us to identify, retrieve and review the records. For the purpose of enhancing our ability to identify requested records, provide for prompt inspection and copies of the requested items in a reasonable period of time, the Clermont County Offices/Agencies may ask for the request in writing. Staff will assist the requestor if necessary.
 1. Although we may ask for the request in writing, for the requestor's identity and/or the intended use of the information requested to help clarify the request, the requester shall be advised that:
 - a. A request in writing is not mandatory; and
 - b. The requestor's refusal to make a request in writing or to identify themselves or the intended use of the information does not impair their

right to inspect and/or receive copies of the public record. RC.149.43
(B)(5)

2. Any person, including corporations, individuals and governmental agencies may request public records and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
- C. In the event a request is made to inspect and/or obtain a copy of a record maintained by Clermont County Offices/Agencies whose release may be prohibited or exempted by either State or Federal law, the person submitting the request shall be advised that their request is being reviewed to ensure that protected and/or exempted information is not improperly released and provided an estimate of when the records will be available for release and if they may be released in whole or in part.

V. Public Records Requests:

Upon receiving a request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code, this public office shall promptly respond to the request.

- A. A staff person will evaluate the request and estimate the length of time required to gather the records, taking into account the volume of records, the proximity of the records and the necessity for any legal review of the records requested. The requestor will be advised that advance payment may be required prior to providing copies of public records, and in addition, if mailed, the fee shall include the cost of postage. R.C. 149.43 (B)(7).
- B. When practical, we may forward copies of records by any other means reasonably acceptable to the requestor. The requestor may choose to have the public records duplicated on paper, upon the same medium on which the Office/Agency keeps it, or upon any other medium the Office/Agency determines it can be reasonably duplicated as part of normal operations. R.C. 149.43 (B)(6).
- C. If a request is voluminous, housed in an offsite location or will require legal review, an acknowledgement letter will be prepared. This letter will include: the estimated number of business days to satisfy the request, an estimated cost if copies are requested and any items that may be exempt from disclosure. Any denial will include an explanation including legal authority.
- D. Persons seeking copies of public records may be permitted to make their own copies of the requested documents by means of using a camera or hand-held scanner to photograph the record in place. Any required redactions or other non-disclosures still apply. R.C. 149.43 (B)(6)

VI. Response and Denials:

- A. Written requests for inspection and/or copies of public records which are not maintained by the Clermont County Board of Commissioners or any Commissioner Office/Agency shall be replied to in writing. The response shall include the information that these records are not kept by this office, for reasons including, but not limited to:
1. The requested records have been disposed of according to the Records Retention Schedules (RC-2) or pursuant to an Application of One Time Records Disposal (RC-1); or
 2. The requested records are not created or maintained by the Office/Agency and in accordance with R.C. 149.40, the Office/Agency is under no obligation to create records to meet the records request; or
- B. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that staff cannot reasonably identify what public records are being requested, every reasonable attempt will be made to assist the requestor by informing them, via the Office's RC-2, what records are retained by the Office and the manner in which they are retained.

VII. Denial of a Record Maintained by the Clermont County Board of Commissioners:

The Clermont County Board of Commissioners may deny a request for a record maintained by the Clermont County Board of Commissioners if:

- A. The record that is requested is prohibited from release due to applicable state or federal law, including but not limited to:
1. Attorney-client privileged information and trial preparation records
 2. Social Security numbers
 3. Records of ongoing investigations
 4. Medical Records
 5. Bureau of Motor Vehicle records
 6. Records that a judge ordered to be sealed per a statute

7. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (RC. 149.43 (A)(7))
 8. Residential and Familial information of County employees (or contractor employees) that is retained for payroll or Human Resources purposes.
 9. We may limit the number of public records mailed to you to ten per month, unless you certify in writing that you do not intend to use the records for commercial purposes. (R.C. 149.43(B)(7)(c)(i)). “
 10. In response to a request, we will provide only responsive records which exist at the time that the request is made.
- B. As governed by R.C. 149.43 (B)(3), if a request is ultimately denied, in part or in whole, the Clermont County Board of Commissioners shall provide the requestor with an explanation including legal authority, setting forth why the request was denied.
1. If the initial request was provided in writing then the explanation shall also be provided in writing.
 2. The explanation shall not preclude the Clermont County Board of Commissioners from relying upon additional reasons or legal authority in defending an action commenced pursuant to RC. 149.43.

VIII. Redacting Exempted Records/Procedure:

- A. “Redaction” means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a “record” in section 149.011 of the Ohio Revised Code. [R.C. 149.43 (A)(11)];
1. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction R.C. 149.43 (B)(1).
 2. If a request is ultimately denied, in part or in whole, the Agency Director shall provide the requester with an explanation, including legal authority, setting forth why the request was denied R.C. 149.43 (B)(3).

- B. If a public record contains information that is exempt from the requirements for public disclosure or copying the public record, the Agency Director shall make available the information within the public record that is not exempt, unless the Agency Director determines that the non-exempt portion of the record is so inextricably intertwined with the exempt material that redaction would be impractical. *State ex rel. Gambill v. Opperman*, 135 Ohio St. 3d 298 (2013).
- C. When making a redacted document available for public inspection or copying, the Agency Director shall notify the requester of any redaction or make the redaction plainly visible R.C. 149.43 (B)(I).
- D. 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.
- E. The redacted document shall be maintained per General Schedule retention requirements for Public Records Requests.

IX. Remedy: Grievances

- A. If a person allegedly is aggrieved due to being denied access to inspect a public record or due to being denied a copy of the public record, the person shall be advised that they may contact the Clermont County Administrator at 513-732-7300.
- B. If the person is not satisfied after contacting the Clermont County Administrator, they shall be advised that Ohio Revised Code section 2743.75 provides a legal means for addressing their complaint in these disputes. R.C. 2743.75

X. Training and Education:

The Clermont County Board of Commissioners continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Laws.

XI. Interpretation:

It is the intention of Clermont County, its elected officials and employees to comply at all times in good faith with the requirements of the Ohio Records Law. This policy will be interpreted and applied to conform to Ohio law and all requirements thereunder.