

1<sup>st</sup> reading \_\_\_\_\_  
2<sup>nd</sup> reading \_\_\_\_\_  
3<sup>rd</sup> reading \_\_\_\_\_  
Voted On \_\_\_\_\_  
Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_  
PASSED \_\_\_\_\_ DEFEATED \_\_\_\_\_

**ORDINANCE NO. 2017-12**

**AN ORDINANCE  
AMENDING CERTAIN SECTIONS OF CHAPTER 179,  
RECORDS COMMISSION, OF THE ORANGE VILLAGE  
CODIFIED ORDINANCES AND REPEALING CERTAIN  
ORDINANCES.**

WHEREAS, state law has been amended from time to time making some provisions of Chapter 179 of the Orange Village Codified Ordinances obsolete; and

WHEREAS, Council desires to update the Village's ordinances regarding the Village's Records Commission to reflect the Village's current practices and procedures, which are desirable and permitted under Article XVIII, Sections 3 and 7 of the Ohio Constitution, and to conform the Village's ordinances with state law when appropriate.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, COUNTY OF CUYAHOGA, STATE OF OHIO:**

SECTION 1: That existing Chapter 179, Records Commission, of the Orange Village Codified Ordinances is amended to read as follows:

**“CHAPTER 179  
RECORDS COMMISSION**

**179.01 CREATION AND COMPOSITION.**

There is hereby created a Records Commission composed of the Mayor as Chairman, the Village Treasurer, the Law Director and two residents appointed by the Mayor and confirmed by Council. ~~One of the residents shall be designated the historian member.~~ The Clerk of Council shall also be the Clerk of the Commission. The residents shall be appointed for two year terms; provided that in 2007 one resident shall be appointed for a term which expires on December 31, 2007 and the other shall be appointed for a term which expires on December 31, 2008.

**179.02 POWERS AND DUTIES; PROCEDURES.**

(a) The functions of the Records Commission shall be those provided by state law. ~~to provide rules for the retention and disposal of records of the Municipality and to review records disposal lists submitted by Municipal law officers.~~ The Commission may employ an archivist and it shall meet at least annually ~~once every six months~~ and upon call of the Chairman. ~~The disposal lists shall contain those records that have been microfilmed and no longer have administrative, legal or fiscal values to the Municipal Corporation or to its citizens. Such records may be disposed of by the Commission pursuant to the procedure outlined in this chapter.~~

(b) The Commission shall follow the procedure for establishing retention schedules and disposing of public records that is established by Ohio law.

**~~179.03 DISPOSAL LIST; NOTICE TO OHIO HISTORICAL SOCIETY.~~**

~~When Municipal records have been approved for disposal, a list of such records 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 and those records shall not be destroyed. Before public records are otherwise disposed of, the Ohio Historical Society or other local Historical Society requesting such information shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such public records as it considers to be of continuing historical value.~~

**179.04 DOCUMENTS DEEMED RECORDS OR ARCHIVES.**

~~(a) 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, procedures, organizations or other activities of the office, is a record within the meaning of this regulation.~~

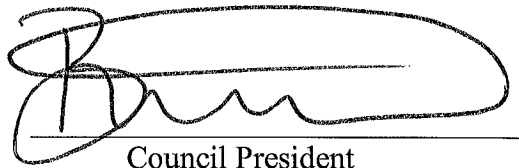
~~(b) Any public record which is transferred to an archival institution pursuant to this chapter, because of the historical information contained therein shall be deemed to be an archive within the meaning of this regulation."~~

SECTION 2: That existing Chapter 179, Records Commission, of the Orange Village Codified Ordinances is hereby repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: April 12, 2017

  
Council President

Submitted to the Mayor for approval on this 12 day of April, 2017

Approved by the Mayor this 12 day of April, 2017

ATTEST:

  
Clerk of Council

  
Mayor