

BRUNSWICK CITY SAFETY & ENVIRONMENT COMMITTEE

Agenda MARCH 10, 2025 6:30 PM

1. Discussion Items
 - (a) **ORD. NO. 26-2025** - An emergency ordinance amending Section 222.04 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Carl DeForest*)
 - (b) **ORD. NO. 27-2025** - An emergency ordinance adopting the updated City of Brunswick Public Records Policy. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Carl DeForest*)
 - (c) **RES. NO. 28-2025** - An emergency resolution authorizing the City Manager to purchase a 2025 Ford F-250 with emergency response equipment installed for the Division of Fire from Montrose Auto Group in an amount not to exceed \$67,702.15. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)
2. General Discussion
3. Adjournment

PROPOSED LEGISLATION



DATE: 3/10/2025

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Dennis Nevar

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 26-2025** - An emergency ordinance amending Section 222.04 of the City of Brunswick Codified Ordinances. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Carl DeForest*)

BACKGROUND: The City of Brunswick has in effect 9.4 Public Records Policy, and the charge for reproduction of documents is the same as listed in Brunswick Codified Code Section 222.04, as currently written. With the passing of Ohio House Bill 315 and signed into law by Governor DeWine, which amends ORC Section 149.43(B)(1), in part, municipalities may charge a reasonable fee (\$75 per hour up to \$750) to cover costs related to the inspection, redaction, and editing of public video records from law enforcement agencies, as accommodating such requests may take staff time and resources. The fee provision included in House Bill 315 gives municipalities the option of implementing a fee to cover some of the costs of preparing and releasing such video records.

PURPOSE AND EXPLANATION: The purpose of this legislation is to update Section 222.04 of the Brunswick Codified Ordinances by deleting the current Section in its entirety and replacing it with language to reflect the amendments to ORC Section 149.43(B)(1) which were passed and signed into law through Ohio House Bill 315.

IMPLEMENTATION SCHEDULE: The City Administration requests that this legislation be adopted as an emergency measure after two readings of Council.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	Yes

Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

It is requested that this measure be adopted as an emergency to ensure that the video record fee charges are in effect at the effective date of the law.

**ADDITIONAL
INFORMATION:**

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 26-2025

BY: Mr. Kuczma, Mr. Delsanter, and Mrs. Piper

AN EMERGENCY ORDINANCE AMENDING SECTION 222.04 OF THE
CITY OF BRUNSWICK CODIFIED ORDINANCES.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That Section 222.04 of the Codified Ordinances is hereby deleted in its entirety
and amended to read as follows:

“Fees for the reproduction and/or delivery of documents responsive to a public
records request shall be as provided in the City of Brunswick Public Records
Policy, as same may be amended from time to time.”

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for
the immediate preservation of the public peace, property, health, safety or
welfare, and for the additional reason that immediate passage is necessary to
update charges associated with responding to public record requests and recent
changes to the Ohio Public Records Act. Therefore, the same shall be in full
force and effect from and after its passage by the required number of votes or
from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

Rules Suspended: AYES ____ NAYS ____

ADOPTED: _____ AYES ____ NAYS ____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

PROPOSED LEGISLATION



DATE: 3/10/2025

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Dennis Nevar

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 27-2025** - An emergency ordinance adopting the updated City of Brunswick Public Records Policy. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Carl DeForest*)

BACKGROUND: The City of Brunswick has in effect 9.4 Public Records Policy. The City Administration requests to update the Policy to reflect recent amendments to ORC Section 149.43(B)(1), in part, adopted by Ohio House Bill 315 and signed into law.

PURPOSE AND EXPLANATION: The purpose of this legislation is to update the City of Brunswick Public Records Policy and incorporate it as adopted as the official Public Records Policy of the City of Brunswick.

IMPLEMENTATION SCHEDULE: The City Administration requests that this legislation be adopted as an emergency measure after two readings of Council.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	Yes
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

It is requested that this be adopted as an emergency measure to ensure that the changes are in effect to reflect the amendments, including video record fee charges when they

become effective.

**ADDITIONAL
INFORMATION:**

1
CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 27-2025

BY: Mr. Kuczma, Mr. Delsanter, and Mrs. Piper

AN EMERGENCY ORDINANCE ADOPTING THE UPDATED CITY OF BRUNSWICK PUBLIC RECORDS POLICY.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the updated Public Records Policy, as attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted as the official Public Records Policy of the City of Brunswick.

SECTION 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to update charges associated with responding to public record requests and recent changes to the Ohio Public Records Act. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____

Clerk of Council
Laura E. Timura, CMC

City of Brunswick, Ohio

Public Records Policy

Introduction

It is the policy of the City of Brunswick, a public office and political subdivision of the State of Ohio (the "City"), that openness leads to a better informed citizenry, which leads to better transparency in government and better public policy. It is the policy of the City to strictly adhere to the State of Ohio Public Records Act as codified in Ohio Revised Code Section 149.43, as same may be amended from time to time. It is further the policy of the City that public records laws are to be liberally construed in favor of disclosure and any permitted exemptions are to be narrowly applied.

1.0 Public Records.

In accordance with the Ohio Revised Code Sections 149.011(G) and 149.43(A)(1) and applicable legal precedent, the term "records" or "public records" include any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in Ohio Revised Code Section 1306.01, created or received by, coming under the jurisdiction of or kept by the City, which serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the City. All records of the City are public unless they are specifically exempt from disclosure under the Ohio Revised Code, other applicable law and/or applicable legal precedent.

2.0 Record Requests; Response Procedures.

Each request for public records should be evaluated for a response using the following guidelines:

2.1 Any person can make a request for existing public records, including the choice of medium (or storage medium) and method of delivery. The requester does not have to put a records request in writing and, unless otherwise required or permitted by applicable law, does not have to provide his or her identity or the intended use of the requested public record.

2.2 Although no specific language is required to make a request, the requester must at least identify the records requested with reasonable clarity to allow the City to identify responsive records based on the manner in which it ordinarily maintains and accesses the public records it keeps. If it is not clear what record(s) are being sought and/or the request is ambiguous or overly broad, the records custodian shall contact the requester for clarification and shall assist the

City of Brunswick, Ohio

Public Records Policy

requester in revising the request by informing the requestor of the manner in which the City ordinarily maintains and accesses the public records it keeps.

2.3 The City is not required to create new records to respond to a public records request even if it is only a matter of compiling information from existing records. Additionally, there is no duty to provide records that were not in existence at the time of the request or that the City does not possess, including records that later come into existence.

2.4 Public records are to be available for prompt inspection at no cost during regular business hours. Upon receiving a request for copies of specific, existing public records, same shall be provided within a reasonable amount of time subject to prepayment of all estimated actual costs as provided herein. "Prompt" and "reasonable" take into account: (a) the time to identify responsive records, including the time to clarify or revise the request; (b) the time it takes to locate, download and retrieve responsive records; (c) the time it takes to examine all materials for possible release, perform necessary legal review or consult with knowledgeable parties, redact exempt materials, or provide explanation and legal authority for all redactions and/or denials; (d) the time it takes to obtain the requester's choice of medium or make copies; and (e) the time it takes to receipt advance payment of estimated actual costs, deliver copies or schedule inspection of records.

2.5 All requests for public records must be acknowledged in writing by the City within five (5) business days following receipt of the request to include the following: (a) the estimated number of business days that it will take to satisfy the request; and (b) the estimated actual cost of copies and/or Division of Police video records (including estimated actual costs of form of medium (or storage medium), delivery and transmission costs, if applicable), including instructions for prepayment of such estimated actual costs.

2.6 All public requests, including records responsive thereto, must be forwarded to the Law Department for review prior to the release thereof.

2.7 No request shall be denied and/or any responsive record redacted, in whole or in part, unless permitted or required by the Ohio Revised Code, other applicable law and/or applicable legal precedent.

2.8 The denial of any request and/or redaction of any portion of a record responsive to a request shall be accompanied by an explanation, including legal authority, setting forth why the request was denied and/or the record was redacted.

City of Brunswick, Ohio

Public Records Policy

2. All Departments must keep a log of records requests indicating: (a) who made the request, if known; (b) the format of the request (i.e., in writing, orally, etc.); (c) the date of the request; (d) a generally summary of the records requested; (e) the date of compliance with Section 2.5 herein; (f) the date of any subsequent conversations and/or communications with the requester, including the general substance thereof; and (g) the date the records request was fulfilled.

3.0 Costs for Public Records.

3.1 There shall be no cost for the inspection of public records at City Hall and/or delivery of responsive records (where reproduction is not required) by electronic mail.

3.2 The City shall charge the requester the actual cost for reproduction of documents, including the actual cost of making copies (either in black and white or color), packaging, postage and any other actual costs associated with the method of delivery or transmission chosen by the requester (including the actual cost of thumb drives or other storage medium) shall be the City's actual cost thereof. The actual cost shall not include employee time to respond to the request.

3.3 The City's obligation to produce records or make same available for inspection (including Division of Police video records as detailed in Section 4.0 below) shall not commence until such time as estimated actual costs, as detailed in correspondence to the requester pursuant to Section 2.5, are received from requester. In the event that actual costs exceed such estimated amount, the requester shall remit payment for such deficiency prior to release of the responsive documents. In the event that actual costs are less than such estimated amount, the City shall refund to the requester such overage at the time of release of the responsive documents.

4.0 Division of Police Video Records (effective April 3, 2025).

4.1 Except as otherwise provided in Section 4.4 herein, the City shall, upon receipt of a request for a specified video record of the Division of Police, charge the requester the actual cost of preparing such video record for inspection or production in the amount of \$75.00 per hour of video produced (which is hereby determined to be, minimally, the actual cost incurred by the City to prepare such video record for inspection or production), not to exceed \$750.00. Such not to exceed amount shall independently apply to each incident in which a video record is requested.

City of Brunswick, Ohio

Public Records Policy

4.2 As used herein, “actual cost” means all costs incurred by the City in reviewing, blurring or otherwise obscuring, redacting, uploading, or producing the video records, including but not limited to the storage medium on which the record is produced, staff time, and any other relevant overhead necessary to comply with the request.

4.3 In the event the actual cost, as estimated pursuant to the correspondence required by Section 2.5 herein, does not exceed the estimated amount by more than 20%, the requester shall be responsible for payment of such difference prior to the disbursement of the requested video record. In the event the actual cost, as estimated pursuant to the correspondence required by Section 2.5 herein, exceeds the estimated amount by more than 20%, the requester shall only be responsible for the payment of such difference if the City provided the requester advance notice of the increase thereof.

4.4 Upon submission of a fully completed Exemption Request (in such form as prescribed by the City Manager) and approval thereof by the City Manager, the following persons/entities may be determined to be exempt from the cost requirements of this Section: (a) a licensed attorney; (b) an official representative of a public office, as defined in Ohio Revised Code Section 149.011(A); (c) a victim or such person’s duly authorized representative; (d) a properly licensed insurance company; (e) in order to respond to a duly issued subpoena in a criminal or other legal proceeding and/or Order of a court of competent jurisdiction; and/or (f) for any other public purpose as determined by the City Manager, in his/her sole and absolute discretion.

5.0 Enforcement and Liabilities.

The City recognizes the legal and non-legal consequences of failure to properly respond to a proper and valid public records request. In addition to the distrust in government that failure to comply in a manner consistent with applicable law and legal precedent may cause, such failure may result in a court ordering the City to comply with the law and to pay the requester attorney’s fees and statutory damages.

6.0 Records Management.

6.1 The City shall manage and organize public records in such manner as to be available for copying and/or inspection in response to a public records request.

City of Brunswick, Ohio

Public Records Policy

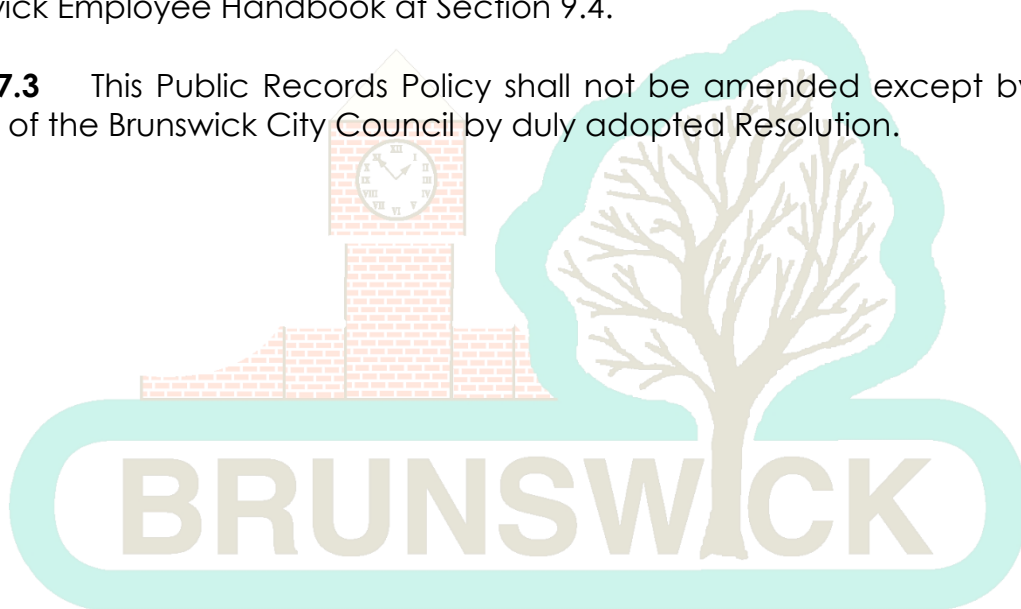
6.2 The City shall ensure that all records (whether public records or not) are maintained and disposed of only in accordance with properly adopted records retention schedules, which records retention schedules shall be posted on the City website at www.brunswick.oh.us.

7.0 Public Records Policy.

7.1 This policy, as formally adopted by Brunswick City Council on _____, 2025 pursuant to Ordinance No. ____-2025, shall be the official Public Records Policy of the City of Brunswick and shall be posted on the City website at www.brunswick.oh.us.

7.2 This Public Records Policy shall be incorporated into the City of Brunswick Employee Handbook at Section 9.4.

7.3 This Public Records Policy shall not be amended except by formal action of the Brunswick City Council by duly adopted Resolution.



PROPOSED LEGISLATION



DATE: 3/10/2025

TO: Vice Mayor Nicholas Hanek and Members of City Council

FROM: Carl S. DeForest, City Manager
Greg Glauner

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 28-2025** - An emergency resolution authorizing the City Manager to purchase a 2025 Ford F-250 with emergency response equipment installed for the Division of Fire from Montrose Auto Group in an amount not to exceed \$67,702.15. - **1st Reading** (To be brought from Safety & Environment Committee, *Administration/Greg Glauner*)

BACKGROUND: The Division of Fire is seeking approval for the purchase of a 2025 Ford F-250, which will serve multiple essential functions for our operations: it will function as a utility vehicle for transporting supplies and equipment to various locations, including the Division's quick response inflatable rescue boat; facilitate personnel transport during emergencies, especially when an incident extends into the next shift; act as a first response unit when delays in medical care from an assigned unit occur or when additional personnel are needed for patient care; assist in snow removal efforts to keep response platforms clear during inclement weather; and serve as a chase vehicle to clear snow from roadways ahead of Medic Units or residential driveways, ensuring prompt responses to emergency calls. This purchase is intended to replace the Division's F-350, which was sold on December 18, 2020, due to mechanical issues. Currently, we have been utilizing a truck from the Parks Division; however, with the Fire Division relocating to a new facility this fall, this arrangement will no longer be feasible. The need for this vehicle has been identified in our 5-year capital plan and is included in the 2025 annual budget. Montrose Auto Group has quoted the proposed vehicle at \$67,702.15, as determined by the CUE-COG City-approved purchasing program. We believe that this investment is crucial to maintaining our operational readiness and ensuring effective service delivery to the community.

PURPOSE AND EXPLANATION: This 2025 Ford F-250 pickup truck will serve multiple essential functions for our operations: it will function as a utility vehicle for transporting supplies and equipment to various locations, including the Division's quick response inflatable rescue boat; facilitate personnel transport during emergencies, especially when an incident extends into the next shift; act as a first response unit when delays in medical care from an assigned unit occur or when additional personnel are needed for patient care; assist in snow removal efforts to keep response platforms clear during inclement weather; and serve as a chase vehicle to clear snow from roadways ahead of Medic Units or residential driveways, ensuring prompt responses to emergency calls.

IMPLEMENTATION SCHEDULE: Earliest time allowed by law.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: If approved, this purchase will be charged to the Fire Fund #115 - capital sub fund account #952-0510-56252.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?
Recommending an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason of limited supply availability.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 28-2025

BY: Mr. Kuczma, Mr. Delsanter, and Mrs. Piper

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A 2025 FORD F-250 WITH EMERGENCY RESPONSE EQUIPMENT INSTALLED FOR THE DIVISION OF FIRE FROM MONTROSE AUTO GROUP IN AN AMOUNT NOT TO EXCEED \$67,702.15.

WHEREAS: The City of Brunswick belongs to the Ohio Cooperative Purchasing Program under the direction of the Ohio Department of Administrative Services; and

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Purchasing Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of a 2025 Ford F-250 with emergency response equipment installed for the Division of Fire from Montrose Auto Group in an amount not to exceed \$67,702.15, is upon equivalent terms, conditions and specifications and at a lower price than through the State Purchasing Program.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager is hereby authorized to purchase a 2025 Ford F-250 with emergency response equipment installed for the Division of Fire from Montrose Auto Group in an amount not to exceed \$67,702.15.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason to allow for submission of the order as soon as possible due to supply chain issues and vehicle availability. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Laura E. Timura, CMC