

## COMMISSIONER'S JOURNAL

**Wednesday**

**Regular**

**September 17, 2008**

The Coshocton County Commissioners meet in regular session on Wednesday, September 17, 2008 with Mr. Dane Shryock, Mr. Gary Fischer and Mr. Larry Stahl in attendance. Also present was Ms. Ken Smailes, WTNS, and Ms. Mary Beck, Clerk.

### Minutes

Mr. Shryock made a motion, seconded by Mr. Stahl to approve the minutes as presented for the Monday, September 15, 2008 meeting.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Vacation Petition – Tuscarawas Township Trustees, Lynn Street

Mr. Stahl made a motion, seconded by Mr. Shryock to accept the petition of the Tuscarawas Township Trustees for the vacation of a portion of Lynn Street lying west of the extension of the East line of Lot 546. It is the intent of this action to vacate all of said street from the railroad right-of-way to the extension of the east line of Lot 546.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### E-mail Archival Agreement – Tangent

Mr. Shryock made a motion, seconded by Mr. Stahl to sign an agreement with Tangent for the period of 7 years at a cost of \$8.25 per user per year for the archiving of all e-mail data by the Coshocton County e-mail system.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Resolution 2008-<sup>51</sup>~~52~~ – PRC Plan Change

Ms. Mindy Fehrman attended the meeting and explained it is regarding an emergency allocation due to our wind storm. We have been allocated \$55,000 for income eligible persons and \$11,000 for the elderly. Mr. Stahl made a motion, seconded by Mr. Shryock to sign Resolution 2008-51 to make a change to the Department of Job and Family Services (DJFS) PRC Plan as requested by Ms. Mindy Fehrman, Assistant Director.

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

### Transfers/Additional

Mr. Shryock made a motion, seconded by Mr. Stahl to approve a Transfer Request for the Commissioners which have been certified by the County Auditor.

FROM	TO	AMOUNT
001-0430-5260.00 Cont. Serv.	001-0430-5210.00 IT Equipment	\$750.00

Vote:	Fischer	aye
	Shryock	aye
	Stahl	aye

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## Resolution 2008-52

Mr. Stahl made a motion, seconded by Mr. Shryock to sign Resolution 2008-52 declaring a state of emergency exists in the county due to the wind storm and that the Commissioners invoke to declare those portions of the Ohio Revised Code that are applicable.

Vote: Fischer	aye
Shryock	aye
Stahl	aye

## Notice to Proceed/Contract – Neff Paving – Nellie Sidewalks

Mr. Shryock made a motion, seconded by Mr. Stahl to sign the Notice to Proceed and Contract with Neff Paving for the Sidewalk Project for the Village of Nellie in the amount \$14,137.50.

Vote: Fischer	aye
Shryock	aye
Stahl	aye

## Records Commission

Mr. Todd Ellsworth, Downes, Hurst and Fishel, Mr. Mike LaVigne, Ms. Janet Mosier, Ms. Barb Karr, Ms. Christi Selders, Ms. Sheila Bates, Ms. Allison Schlarb, Mr. Andrew Jones, Mr. Dave Dilly, Mr. Mike LaVigne, Ms. Jill Lahna and Mr. Bob Batchelor attended the meeting. Mr. Fischer brought the meeting to order and minutes from last meeting were read and approved. Mr. Fischer asked for any new disposal requests. There were no requests. Mr. Fischer then introduces Mr. Ellsworth from Downes Hurst and Fishel. Mr. Ellsworth thanked the Commissioners for having him. He stated that as for the public records request, he is approximately 50-75% done with that request. He has submitted a disc for the person requesting the record. He then stated that the Commissioners have asked him to look at our retention schedule to determine what needs to be adopted to assist the county employees in disposing of e-mail records. He stated that the Ohio Historical Society sets out a policy for the disposal of e-mails. They have 4 categories. The first being non –public records such as spam. The second being transient e-mails. These are e-mails that may say what time a meeting is and then when the meeting is over the record can be disposed of. Then the third e-mail is drafts and notes, and these are public records, but can be disposed of if they are in our Records Retention Policy. The fourth are records that must be kept permanently. Ms. Mosier asked about drafts. Mr. Ellsworth explained with the adoption of the Records Retention, we are able to delete the drafts after we have the permanent record. Mr. LaVigne asked about instant messaging, voice mail, and notepad? Mr. Ellsworth stated that there are three essential mediums that a public record must meet. If it is a county owned phone or equipment, if it pertains to the function of the office, or is it kept on note pad or paper. He also stated that we should try to make our policies to match the ability of our system. Mr. LaVigne asked if our capacity is for 30 days and someone asks for 120 days, can we say that won't work. Mr. Ellsworth stated that some documents are required to be kept permanently so that might need to be the employee's responsibility. Mr. Fischer asked about the ability to archive the information. Mr. Ellsworth stated that he feels it would be a good idea to archive all the e-mails if it is cost effective. He stated that he feels the Commissioners should still train the employees on what records are public and what are not. Mr. Jones asked if the retention is based on the topic and not necessarily the e-mail. Mr. Ellsworth stated that there is administrative, ethical, fiscal and historical society value in determining what a public record is. As long as we follow what we have on our records retention schedule we should be covered. Mr. Shryock stated that we should adopt records retention for these e-mails. Ms. Mosier asked how you get rid of it once you determine that it is not a public record. Mr. Ellsworth explained that individual employees will be able to delete the e-mails that are not public records, but they will still be archived before they were deleted. Mr. Jones stated that he feels it's important to note that because we are all public employees we are responsible for these records. He feels it will be a mistake to depend on the archival to us as our public records retrieval. Mr. Ellsworth stated that is the reason we need to adopt this records retention schedule for e-mails and that will help determine the

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required time needed for the retention of these records. Mr. Shryock stated that the Commissioners plan to have training sessions for employees on this topic. He then stated that at the training he was at last December, they told us that no one can come in and request e-mails for a certain period of time. They had to be more specific. Mr. Ellsworth stated that a public record should be specific and if it is too broad, you have the right to request them to be more specific but you must comply with the request. Ms. Mosier asked how much this request is costing the county since he is only 50-75% complete. Mr. Ellsworth stated that it will be several thousand dollars. Mr. Shryock asked where we should go now with our records retention policy. Mr. Ellsworth presented the Commissioners with a schedule dealing with e-mails and drafts. He has proposed with a 30-series records retention. He feels it is better to come out with a good plan and then when the courts catch-up with technology. He feels the goal is to be smart with our transmissions. We need to do training to make employees aware and be smart about what they put in the form of e-mails. He stated that he will always advocate the use of the technology because it makes the county more progressive. Mr. Fischer stated that he feels it is important to utilize the technology that we have and not regress. The Commissioners plan to make certain the employees are educated and understand what a public record is and is not. Mr. Dilly stated that he feels we should have training on this before we adopt the policies. Mr. LaVigne stated that he feels they should adopt the policy and then do the training because you may train on something you don't even adopt if you do it the other way. Mr. LaVigne reiterated that the archival of the e-mails is only a fail-safe. Mr. Batchelor stated that he feels we should go ahead and adopt the schedule that Mr. Ellsworth presented after everyone has an opportunity to go over the schedule, then reconvene in a week and vote on the schedule. Mr. Jones stated that he would like to update on the draft copies from the last meeting. He stated that he contacted the County Engineer's Association and no one really has anything adopted on this issue. Now he stated that we need to move forward and determine what a public records on GIS mapping is.

## Executive Session – Possible Litigation

At 11:01 a.m. Mr. Shryock made a motion, seconded by Mr. Stahl to go into executive session to discuss possible litigation. At 11:16 a.m. Mr. Fischer returned the meeting to regular session. No action taken.

## Youth Leadership

Mr. Fred Wachtel attended the meeting with the Youth Leadership 2008. He explained what some of the Commissioners duties are. He explained the difference between the city and the county. Mr. Stahl explained that the Commissioners are in charge of the county budgets; they can open and close roads as well. Mr. Shryock stated that the Commissioners have broad authority. It ranges from setting the dog license fees to administering a 40 million dollar budget. He stated that all elected officials are the authorities of their domain. He explained that we are in charge of the General fund Budgets as well. We also have authority to provide health insurance benefits to all county employees. Mr. Fischer stated that we have some legislative powers that other elected officials do not have. We are responsible for the signing of all contracts and bidding for example. He then went over the County Broadband Initiative. He explained that it is the goal of the Commissioner's to bring broadband to residents in the county that do not have high speed internet. Also, we are trying to get water and sewer into the county as well. He went over the employees of the office and explained some of their duties. Mr. Fischer then went over the public records request that was received by the Commissioners and how we have answered that request. The Commissioners thanked them for attending.

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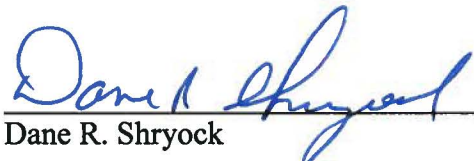
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Recess

At 11:52 a.m. Mr. Fischer moved the meeting to recess. At 2:30 p.m. Mr. Fischer adjourned the meeting.

  
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Gary L. Fischer

  
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Dane R. Shryock

  
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Larry K. Stahl

  
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Administrator/Clerk

