

MEDINA COUNTY PORT AUTHORITY

POLICY FOR THE RETENTION
AND DESTRUCTION OF
PUBLIC RECORDS

Adopted December 4, 2019

The Medina County Port Authority has adopted the following policy (the "Policy") for the retention and destruction of public records. This Policy does not apply to records that are not public records, as defined in ORC 149.011 or as interpreted by the courts of Ohio.

Public Records. "Records' includes 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 state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office." (ORC 149.011) and are:

1. stored on a fixed medium paper, computer, film, audio/video, etc.;
2. created, received, or sent under jurisdiction of a public office; and
3. document the organization, functions, policies, decisions, procedures, operations, and other activities of the office.

"Public record" means records kept by a public office, not including the numerous exceptions in the Ohio Revised Code. (ORC 149.43(a)(1))

"All records are the property of the public office concerned and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the records commission." (ORC 149.351)

Particular Exceptions. Duplicate copies of records maintained according to this schedule may be destroyed when they are of no further administrative value.

Financial and proprietary information, including trade secrets, submitted to the Authority (or a nonprofit corporation engaged by the Authority to provide economic development services) by or on behalf of an employer in connection with the relocation, location, expansion, improvement, or preservation of the business of that employer is not a public record subject to ORC 149.43. Any other information submitted by such an employer under those circumstances is not a public record subject to ORC 149.43 until that employer commits in writing to proceed with the relocation, location, expansion, improvement, or preservation. (ORC 4582.58)

Records Commission. Having consulted, for guidance, ORC 149.412 regarding special taxing districts and the Ohio Records Commission, unless and until the Port Authority has entered into an agreement with Medina County defining terms and conditions under which the Medina County records commission shall perform public records-related functions, the Records

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Commission ("Commission") for the Authority is composed of the chairperson, the fiscal officer of the Board, and the legal representative. (ORC 149.412)

The Commission shall meet at least once every twelve months and upon the call of the Chairman. The functions of the Commission shall be to review the Schedule of Record Retention and Disposition below (the "Schedule"), to revise the Schedule for good cause, to review proposals by the administrator for one-time disposal of obsolete records not specifically listed on the Schedule, and provide for the disposal of records pursuant to the procedure outlined in section Revised Code sec. 149.381 of the Revised Code. The Commission, at any time, may review any Schedule that was previously approved and, for good cause, may revise that schedule and submit it for approval according to the procedure in ORC 149.381.

Legal Hold. In the event of a lawsuit or threatened lawsuit a legal hold will be announced by legal counsel for the Board identifying relevant records. Records subject to a legal hold shall be retained until the legal hold has been removed.

Record Retention and Disposition. Records of the Authority will be retained or disposed of according to the following Schedule of Record Retention and Disposition, as such Schedule may be revised or amended by the Commission from time to time, and approved by the Ohio History Connection as provided in ORC 149.381. The inclusion of any type of record on the Schedule shall not be interpreted as requiring the creation of that type of record; only such records shall be created as shall be necessary to the adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Authority and for the protection of the legal and financial rights of the Authority and persons directly affected by the Authority's activities. (ORC 149.40)

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Policy for the Retention and Disposition of Public Records
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SCHEDULE OF RECORD RETENTION AND DISPOSITION
This Schedule is subject to periodic review and revision
by the Records Commission without action by the Board of Directors.

Sched no.	Type of Record And Description	Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
	Accident Reports or Files	Two (2) Years	Electronic		<input type="checkbox"/> <input type="checkbox"/>
**	Activity Reports	Three (3) Years	Electronic Onsite Offsite		<input type="checkbox"/>
**	Agendas for Meetings	Five (5) Years	Electronic Onsite Offsite		<input type="checkbox"/>
**	Annual Budget	Seven (7) years	Electronic Onsite Offsite		<input type="checkbox"/>
**	Audit Reports	Five (5) Years	Electronic Onsite Offsite		<input type="checkbox"/>

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Sched no.	Type of Record And Description		Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
	Back-up Data	Electronic copies of data generated and maintained for recovery purposes in the event of catastrophic loss of data.	Retain during back-up cycle then delete, erase or overwrite	Electronic		<input type="checkbox"/>
**	Bid Records (Successful)	Records documenting the publicizing, hearing and awarding of quoted bids to vendors for services and/or merchandise, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	The applicable statute of limitation pursuant to ORC 2305.06, or eight (8) years after expiration of contract	Electronic Offsite Onsite		<input type="checkbox"/>
**	Bid Records (Unsuccessful)	Records documenting the publicizing and hearing of quoted bids to vendors for services and/or merchandise not selected, including request for proposal, invitation to bid, requests for qualifications and statement of qualifications	Two (2) Years after award of contract or decision not to award to any bidder	Electronic Offsite Onsite		<input type="checkbox"/>

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Sched no.	Type of Record And Description		Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
	Bond Documents (Tax-Exempt)	Bond transcript documents; documents sufficient to show compliance with requirements for tax exemption throughout the life of the bonds (if tax-exempt). Documents sufficient to show the issuance and sale of the bonds including official statement or other disclosure document, periodic disclosures, and public postings according to rules of the Municipal Securities Regulatory Board.	Retain for three (3) years after the last bond has been retired, or, if applicable, until three years after the last bond of the Refunding Issue has been retired. (See "Contracts" for contracts related to bond projects)	Electronic Onsite		<input type="checkbox"/>
	Bond Register	Records of issuance, ownership, transfer and redemption of bonds.	Seven (7) years after the final maturity of notes or bonds	Electronic Onsite		<input type="checkbox"/>
	Calendars	Calendars used by the Authority administrator to track meetings, events, and tasks for the Authority	Retain until no longer of administrative value	Electronic		<input type="checkbox"/>
**	Contracts	Agreements with service providers or for the lease or sale of Authority property, including but not limited to contracts entered into in connection with economic development activities, and documents related thereto.	Eight (8) Years after the termination of the contract.	Electronic Onsite Offsite		<input type="checkbox"/>

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Sched no.	Type of Record And Description		Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
**	Corres-pondence	Messages sent and received in any medium, including letters, memoranda, email messages or facsimile communications.	<p>Transmittal messages or communications shall be maintained with the document being transmitted and do not constitute a separate document.</p> <p>Other messages or communications shall be retained according to their substantive content.</p> <p>Messages or communications of transitory importance or of no substantive content shall be deleted when of no further administrative value.</p>	Electronic Onsite Offsite		<input type="checkbox"/>
	Delivery records, packing slips, return records	Documents related to the receipt of supplies or materials.	Until of no further administrative value.	Onsite		<input type="checkbox"/>

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	Drafts & Transient Records	Drafts of documents, preliminary working materials or drafts, which are intended to be of use in the preparation of a finished product or document; documents which convey information of temporary importance in lieu of oral communication.	Retain until of no further administrative value.	Electronic Onsite		<input type="checkbox"/>
	Drafts of meeting minutes and notes of meetings	Notes and drafts made to facilitate the preparation of official minutes of a meeting of the Board of Directors	Until official minutes are approved	Electronic Onsite		<input type="checkbox"/>
	Equipment Maintenance Records	Proof of purchase, warranty, service records, etc.	Retain for life of the equipment	Onsite		<input type="checkbox"/>
**	Financial Records	Records of revenues, receipts, expenditures, deposit accounts; bank statements; purchase orders; invoices; records pertaining to financial transactions; check registers or detail reports; cash and account books (paper or digital); vouchers, canceled checks; monthly reports, etc.	Seven (7) years following audit	Electronic Onsite Offsite		<input type="checkbox"/>
	Flyers, Posters, Announcements and other Informational Notices	Related to Authority functions or internal reminders, schedule coordination, etc.	Until of no further administrative value	Electronic Onsite		<input type="checkbox"/>

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**	Grant Files	Documents of the application, ward, monitoring, tracking and evaluation of grants received	Retain records as required by grant; if not specified five (5) years after audit conducted and any litigation, claims or audit findings have been resolved	Electronic Onsite Offsite		<input type="checkbox"/>
	Insurance policies	Insurance policies including declarations pages, between the Authority and an insurance provider, including financial and administrative records generated in the administration of insurance policies	The later of two (2) years after the expiration of the policy or until all claims have been settled or litigation and appeals are concluded.	Electronic Onsite		<input type="checkbox"/>
	Insurance claims	All claims forms and records of claims made	Retain until the later of two (2) years after the expiration of the related insurance policy or such time as all claims have been settled or litigation and appeals are concluded.	Electronic Onsite		<input type="checkbox"/>
**	Maps, Plats	Renderings noting boundary lines or locations of real property interests held by the Authority	Permanent	Electronic Onsite Offsite		<input type="checkbox"/>

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**	Minutes of Meetings	Minutes of meetings of the Board of Directors, committees of the Board of Directors, and (if kept), of committees created by the board pursuant to its rules and regulations.	Permanent	Electronic Onsite Offsite		<input type="checkbox"/>
**	Organizational Records	Records of the creation of the Authority; appointment, resignation or removal of directors; rules and regulations and amendments thereto; etc.	Permanent	Electronic Onsite Offsite		<input type="checkbox"/>
	Personnel Records	Having no employees, the Authority has not adopted a policy pertaining to personnel records, such as (but not limited to) applications for employment, records of hiring, termination, attendance or absence, performance evaluations, leave requests, reimbursement for employee travel, work schedules, workers compensation claims, employment benefits, or discipline.	n/a	n/a		<input type="checkbox"/>
	Plan for Development	Having no maritime facilities, the Authority has no plan for development pursuant to ORC 4582.32.	n/a	n/a		<input type="checkbox"/>

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Sched no.	Type of Record And Description		Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
**	Press Releases or News Announcements	Announcements went to public media outlets to inform the public about actions, events or programs, including notices of public meetings	Three Years Appraise for historic value	Electronic Onsite Offsite		<input type="checkbox"/>
**	Project Plans or Drawings	Written plan or pictorial diagrams for an enterprise, project or program administered by the Authority	Retain for the life of the project or until obsolete. Appraise for historic value.	Electronic Onsite Offsite		<input type="checkbox"/>
**	Publications	Brochures or promotional material created to inform the public of the functions of the Authority	Retain until superseded or obsolete, excepting one (1) permanent copy	Electronic Onsite Offsite		<input type="checkbox"/>
	Public Records Requests	Requests received by the Authority pursuant to ORC 149.43 for the inspection or copying of public records.	Two (2) Years	Electronic Onsite		<input type="checkbox"/>
	Public Relations and Training Materials	Presentations, materials and resources created for public relations events or training exercises	Retain until superseded, obsolete or replaced with updated material	Electronic Onsite		<input type="checkbox"/>
**	Real Property Records	Records of interests in real property held by the Authority, including but not limited to interests in real property acquired to facilitate economic development.	Permanent	Electronic Onsite Offsite		<input type="checkbox"/>
	Records Inventory	A detailed list of the types, locations, dates, methods of preservation, and use of public records	Until superseded	Electronic Onsite		<input type="checkbox"/>

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Sched no.	Type of Record And Description		Retention Period	Storage Medium	Auditor's Use or LFRP	RC-3 Required by LGRP
	Records Retention and Disposition Forms	Forms from the Ohio Records Commission (called RC-1, RC-2, and RC-3) documenting the retention/disposition of records	Permanent	Electronic Onsite		<input type="checkbox"/>
**	Resolutions of Board	Formal actions of the Board of Directors in written form separately from the minutes of meetings	Permanent	Electronic Onsite Offsite		<input type="checkbox"/>
**	Rosters, telephone or email lists, directories of committee membership, assignments & schedules.	Lists kept for convenience to facilitate contact with consultants, administrators, board and committee members, vendors, etc.	Until superseded, obsolete or replaced.	Electronic Onsite Offsite		<input type="checkbox"/>

** A separate list is maintained indexing the location of documents stored offsite.