

ORDINANCE NO. 139-2025(AS), *First Reading*

By Councilmember Cobb

An Ordinance amending Chapter 105, "Public Records" to add a new Section 105.04 to prohibit the review or access of city email accounts of employees or elected officials without consent or lawful approval pursuant to Ohio Public Records Law; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights, Ohio, maintains official email accounts for employees and elected officials to conduct the business of the City; and

WHEREAS, Ohio Revised Code § 149.43 establishes the right of the public to access public records, subject to certain legal exceptions and redactions; and

WHEREAS, the City of Cleveland Heights recognizes the need to protect employees and elected officials from unauthorized access to official email accounts while ensuring compliance with Ohio's public records law; and

WHEREAS, procedures are needed to safeguard the confidentiality and integrity of City managed email accounts and to establish clear, lawful procedures for any review or disclosure in compliance with Ohio Revised Code § 149.43.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Chapter 105 of the Codified Ordinances of Cleveland Heights is hereby amended to add Section 105.04 review or access of City email accounts as set forth in Exhibit 1 attached hereto and incorporated herein.

SECTION 2. It is found and determined that all formal actions of the Council relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 3. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights or by posting the full text of this Resolution to the City of Cleveland Heights website.

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to protect employees and elected officials from unauthorized access to official email accounts. Wherefore, provided it receives the affirmative vote of five (5) or more of the members

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elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: July 7, 2025

Presented to Mayor: 07/08/2025 Effective Date: 07/18/2025

KAHLIL SEREN
Mayor

*Effective date per Article IV, Section 5 of the Codified Ordinances of the City of Cleveland Heights

EXHIBIT 1

105.04 REVIEW OR ACCESS OF CITY EMAIL ACCOUNTS

(a) DEFINITIONS

For purposes of this ordinance:

- 1. "City Email Account"** means any email address or account issued or maintained by the City of Cleveland Heights for use by an employee or elected official in the conduct of official City business.
- 2. "Review" or "Access"** means opening, inspecting, searching, copying, or otherwise examining the content, metadata, or attachments of any messages within a City Email Account.
- 3. "Employee"** means any person employed by the City, including full-time, part-time, contract, or appointed personnel.
- 4. "Elected Official"** means any individual duly elected to public office within the City, including but not limited to the Mayor and City Council members.
- 5. "Law Director or Designee"** means the City Law Director or an attorney within the Law Department who is authorized to act on the Law Director's behalf.

(b) PROHIBITION ON UNAUTHORIZED EMAIL ACCOUNT ACCESS

1. No City employee, elected official, department head, IT staff member, or other individual shall review, access, or inspect the contents of a City Email Account assigned to another employee or elected official except under one of the following conditions:

A. Written consent is provided by the account holder; or

B. A public records request is first submitted pursuant to Ohio Revised Code § 149.43 and the request is:

(1) Reviewed by the Law Director or designee, and

(2) Approved by the Law Director or designee to ensure compliance with applicable exemptions, redactions, and statutory requirements.

2. Access to City Email Accounts for purposes of routine system maintenance, IT support, or cybersecurity—*without examining message content*—is not prohibited by this ordinance.

(c) PUBLIC RECORDS REVIEW PROCESS

1. All public records requests involving City Email Accounts shall be processed under the requirements of Ohio Revised Code § 149.43.

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2. The Law Director or designee shall determine:

- A. Whether the request seeks public records subject to disclosure under Ohio law;
- B. Which, if any, information must be redacted pursuant to statutory exemptions;
- C. Whether review of the email account is necessary to fulfill the request;
- D. What scope of access is required to comply without exceeding the limits of the law.

3. No disclosure shall take place until this legal review is completed and approval given.

(d) ENFORCEMENT AND PENALTIES

1. Violations of this Ordinance by City employees shall be grounds for disciplinary action consistent with the City's personnel policies, civil service rules, or applicable collective bargaining agreements.

2. Violations by elected officials may be subject to appropriate remedies permitted under the City Charter, Ordinances or applicable state or common law.