

# **RESOLUTION NO. 14 of 2009**

## **TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA**

A RESOLUTION AMENDING MOUNT JOY TOWNSHIP RESOLUTION NO. 2002-05 ESTABLISHING POLICIES AND PROCEDURES TO COMPLY WITH ACT 100 OF 2002 (the Pennsylvania “Right-to-Know Law”, providing for access to “public records”), AND SETTING FEES FOR COSTS, AS AMENDED AND MODIFIED BY ACT 3 OF 2008 (the Pennsylvania “Right-to-Know Law”, signed February 14, 2008, and effective January 1, 2009).

BE IT RESOLVED BY the Board of Supervisors of the Township of Mount Joy that the following shall be applicable to requests for public records:

### **A. REGULAR BUSINESS HOURS OF TOWNSHIP OFFICE**

All documents deemed public records and in possession of Mount Joy Township shall be available for inspection, retrieval, and duplication, in accord with this Resolution and the “Right to Know Law”, at the Township office during regular business hours which are as follows:

Tuesday through Thursday from 9:00 a.m. – 3:00 p.m.

The above schedule will not be observed when national or state holidays coincide with regular business hours, when the Township building is being used for national or state/local elections, or when inclement weather or other extraordinary event occurs and the Township determines to close the office.

### **B. RECEIPT OF REQUESTS FOR ACCESS TO PUBLIC RECORDS**

Written requests for records shall be presented to the Open Records Officer on a form provided by the Township. Such requests shall be received (whether by personal visit, by telephone, by mail, or by Email) on the days that the regular business hours of the Township office are observed (see A. above). The Open Records Officer may, in his or her sole discretion, act upon oral requests; however, responses to oral requests are not required to meet the time limitations provided by this Resolution or the “Right to Know Law”.

C. OFFICER TO WHOM REQUESTS FOR ACCESS TO PUBLIC RECORDS  
ARE TO BE DIRECTED

All requests for access to public records, which are made pursuant to the Right-to-Know Law, must be directed to the Open Records Officer of the Township, at the Township Office.

The contact information for the Township Office is:

Open Records Officer: Brenda J. Constable, Secretary/Office Manager  
Address: 902 Hoffman Home Road  
Gettysburg, PA 17325  
Phone: (717) 359-4500  
Fax: (717) 359-9741  
Email: bconstable@embarqmail.com

D. FEES FOR DUPLICATION OF RECORDS

1. Fees for duplication of records, which can be accomplished by the Township. The fee for duplicating Township records (whether they are public records or other records which the Township has consented to duplicate) are:

- a. Photocopying: 25¢ per page for paper documents that can be duplicated on the Township's photocopier.
- b. ~~Disk~~ Electronic copies: \$1.00 per computer 3.5 floppy disk or CD-R, for material that is electronically stored and which is requested to be copied on to a disk or CD-R. Only disks or CD-Rs furnished by the Township will be used to duplicate electronically stored records (to protect the Township's systems from possible outside electronic interference or infection).

2. Fees for duplication of records, which cannot be accomplished by the Township. The fee for duplicating records which the Township staff cannot perform at the Township Office with Township equipment shall be the actual cost of production to the Township (Examples of documents that the Township may not be able to duplicate with its equipment are: subdivision plans; land development plans; drafts of survey; zoning maps; and other documents which are

larger than 11 inches by 17 inches.) If mailing is requested, the cost of postage will be charged. The township shall require prepayment if the total fees are estimated to exceed \$100.

3. Fees for duplication of records created by others. Certain records are created by others whose living is dependent upon being paid for copies of the documents, or are created by those who may have copyrights to the documents. (An example of the former is a transcript of a hearing prepared by a court reporter who is entitled to compensation for copies of transcripts.) In those cases, the Township will either direct the requester to contact the document's preparer, or (in its sole discretion) the Open Records Officer may cause the copy to be produced and the requester shall be charged the actual cost to the Township for production. An estimated fee for these documents must be paid in advance of the placement of an order for a duplicated copy, no matter what the total cost may be.

4. Copies of published documents. In certain cases, documents are duplicated and ready for distribution in advance of a request. Those documents will be made available at the price determined from time to time by the Township. (Examples of such documents are copies of the Subdivision and Land Development ordinance and the Zoning Ordinance.)

5. Payment of fees. Fees for duplication expenses, shall be paid prior to delivery of the duplicates to the requester. A credit shall be given for any prepayment, and a refund will be given if the cost of production is less than the estimated fee (see ¶ D.3. above). Where the anticipated fees for duplication are likely to exceed \$100.00, the Township may require an advanced payment prior to making the duplicates. (See, Right-to-Know Law, section 1307.(h).)

#### E. CERTIFICATION OF DUPLICATES

The fee for a certification of a duplicated record shall be \$1.00 per record.

#### F. RESPONSE

The township shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to

review and/or duplicate original township documents while taking reasonable measures to protect township documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request (see section B. above) to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the "Right-to-Know Law".

#### G. CONTACT INFORMATION FOR APPEALS

If a written request is denied or deemed denied, the requester may file an appeal in writing to, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

#### H. APPEALS PROCESS

The appeal shall be filed within 15 business days of the mailing date of the township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records is a public record and shall address any grounds stated by the township for delaying or denying the request.

#### I. APPLICABILITY

This Resolution shall apply to all requests for public records received (see section B. above) on or after January 2, 2009.

**RESOLVED** this 5<sup>th</sup> day of January, 2009.

MOUNT JOY TOWNSHIP SUPERVISORS

ATTEST:

\_\_\_\_\_/s/

\_\_\_\_\_/s/