

RESOLUTION NO. 14 of 2013

TOWNSHIP OF MOUNT JOY, ADAMS COUNTY, PENNSYLVANIA

A RESOLUTION AMENDING MOUNT JOY TOWNSHIP RESOLUTION NO. 2002-05 AND ESTABLISHING POLICIES AND PROCEDURES, INCLUDING A RIGHT-TO-KNOW REQUEST FORM AND PRODUCTION FEES, TO COMPLY WITH 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 Policy, including the Right-to-Know Request Form attached hereto, shall be applicable to requests for public records made pursuant to the Pennsylvania Right-to-Know Law on and after the date of the adoption of this Resolution.

Mount Joy Township OPEN RECORDS POLICY

The Open Records Policy applies to all requests for public records made under Pennsylvania's Right to Know Law, 65 P.S. §67.101, et seq.

OPEN RECORDS OFFICER – Requests for public records shall be directed to the attention of the Township's Open Records Officer:

Susan C. Harbin
902 Hoffman Home Road
Gettysburg, PA 17325
Tel. (717) 359-4500
Fax. (717) 359-9741
sharbin@mtjoytwp.us

RTK REQUEST FORM – Requests for public records shall be submitted in writing using the Township's form adopted by official action of the Board of Supervisors and available at the Township offices or the standard Right-to-Know Request Form available from the Pennsylvania's Office of Open Records at www.openrecords.state.pa.us. Requesters who have not used the form for his/her request shall be directed to this Policy and to resubmit the request using one of the forms. Oral requests are not covered by this Policy or the Pennsylvania Right-to-Know Law.

MANNER OF SUBMITTING A REQUEST – A request may be submitted to the Township's Open Records Officer by United States mail, facsimile, electronic mail or in-person.

RECEIPT OF A REQUEST – Normal Township business hours are:

Monday, Wednesday and Friday from 9:00 a.m. – 12:00 p.m.
Tuesday and Thursday from 1:00 p.m. – 4:00 p.m.

The above hours 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.

A request made during normal Township business hours will be deemed received on that day. A request made after normal Township business hours will be deemed received on the next business day.

RESPONSE – The Township Open Records Officer will respond to a request in writing. The response will indicate either grant or denial of a request. If a request is denied, the reason(s) for the denial will be stated in the written response. Except as noted, the response will be issued no later than 5 business days from the date of receipt of the request. Where response requires a 30 day extension of time under Section 902 of the Right to Know Law, a 30 day extension letter will be issued no later than 5 business days from the date of receipt of the request.

REDACTION – Prior to the release of the record in copy form or for inspection, the Township Open Records Officer will redact any information or record that is not a “public record” as defined by Pennsylvania’s Right-to-Know Law, Section 102. Definitions, including a record that is exempt from being disclosed under Section 708 of the Right to Know Law, other federal or state law or regulation, or judicial order or decree, or a record protected by a privilege (e.g., attorney-client privilege, speech and debate privilege, etc.).

COPY AND DELIVERY FEES – Fees, as described below, shall be paid at the time of release of a requested record.

1. There is no fee for inspection of a record.
2. Standard size record copying charge is \$.25 per page.
3. Specialized record (e.g., non-standard size or color records, plans, blue prints, etc.) copying charge is the actual cost to the Township to copy the record.
4. If a requested record(s) is estimated to exceed \$100 in reproduction costs, prepayment (payment prior to the Township’s search and copying of responsive records) of the estimated fees is required. A refund will be issued if the actual cost of production is less than the estimated fee.
5. There is no fee for a copy of an electronic record delivered electronically; except:
 - i. where such record must first be redacted, there is a charge of \$.25 per redacted standard page;
 - ii. for material that is electronically stored and which is requested to be copied on to a disk or CD-R, there is a charge of \$1.00 for each 3.5 floppy 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).
6. Delivery of a record by first class mail, overnight mail or facsimile is charged at the actual cost to the Township.
7. Certification of a public record is \$1.00 per record (not per page).
8. Notarization of a record is separately billed by the notary public at the then current rate authorized by 4 Pa. Code §161.1.
9. Certain records are created by others whose living is dependent upon being paid for copies of a document (for example, a transcript of a hearing prepared by a court reporter who is entitled to compensation for copies of transcripts) or are created by

those who may hold a copyright on the written material contained in the document. In those cases, the Township may direct the requester to contact the document's preparer. If such record is a public record as defined by the Pennsylvania Right-to-Know Law, the Township copying charge is the actual cost to the Township to obtain a copy of the record.

10. Documents duplicated and made ready for distribution to the general public in advance of a request will be released upon payment of the charge determined from time to time by the Township (for example, a Zoning Ordinance).

APPEAL – An appeal from a denial of a record may be made to:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
Fax: 717-425-5343
openrecords@pa.gov

Policy adopted by the Board of Supervisors by formal action on January 7, 2013.

ADOPTED, by official action of the Mount Joy Township Board of Supervisors in open session at a duly advertised meeting of the Board, this 7th day of January 2013.

Mount Joy Township
Adams County, Pennsylvania
Mount Joy Township Board of Supervisors

Attest:

Susan C. Harbin,
Secretary/Treasurer

John E. Gormont, Chairman

SEAL

MOUNT JOY TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA

RIGHT-TO-KNOW REQUEST FORM

DATE: _____

NAME OF REQUESTER: _____

ADDRESS OF REQUESTER: _____

TELEPHONE NO. OF REQUESTER: _____

E-MAIL ADDRESS OF REQUESTER: _____

PUBLIC RECORD(S) REQUESTED:

Please provide as much specific detail as possible. Use additional sheets if necessary.

REQUESTING: Copy Inspection

REQUESTING CERTIFIED RECORD: Yes No

FOR TOWNSHIP USE ONLY

Request submitted by: U.S. Mail Fax E-Mail In-Person

Time and date received: _____ Received by: _____

If not received by Open Records Officer, date directed to ORO: _____

Five day response due: _____ Issued: _____

30 day response due: _____ Issued: _____

Fees: \$ _____ Date paid: _____ Paid by: Cash Check

APPEAL: Date appealed: _____ Date OOR noticed appeal: _____

Date appeal received: _____ Township response due: _____

Date OOR Determination issued: _____ Granted Denied