

RESOLUTION NO. 2076

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
EAST NORRITON TOWNSHIP ADOPTING A POLICY
CONCERNING THE INSPECTION AND COPYING OF
PUBLIC RECORDS BY THE TOWNSHIP.

WHEREAS, the Board of Supervisors has adopted Ordinance No. 310 authorizing the Board of Supervisors to adopt a policy concerning the inspection and copying of the public records of the Township by Resolution; and

WHEREAS, East Norriton Township will make available to any citizen of the Commonwealth of Pennsylvania all public records of the Township in accordance with the Right-To-Know Act of June 21, 1957, P.L. 390, as amended with Act 100 of 2002; and

WHEREAS, this Resolution is adopted in order to assure availability of public records to all citizens of the Commonwealth of Pennsylvania at reasonable times and to provide for reimbursement of all costs incurred in extracting, inspecting and/or reproducing such records.

NOW, THEREFORE, the Board of Supervisors of East Norriton Township hereby resolves the following:

Access to Public Records Policy

The purpose of this policy is to assure East Norriton Township's compliance with the Pennsylvania Right-to-Know Law, 65 P.S. § 66.1 et seq., as amended, to provide access to the Township's public records, to preserve the integrity of the Township's records, and to minimize the financial impact to the residents of East Norriton Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

It is the policy of East Norriton Township to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records. East Norriton Township designates the Township Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Township Manager may designate certain employee(s) to process public record requests.
2. The Township Manager is responsible for minimizing, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

3. All requests for public records of East Norriton Township under this policy shall be specific in identifying and describing each public record requested. In no case shall the Township be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Township does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Township, as attached hereto entitled "East Norriton Township Public Record Review/Duplication Request".

4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

5. The Township Manager shall facilitate a reasonable response to a request for East Norriton Township public records. In no case is the Township expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Township does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the Township shall consist of: (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Township. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect East Norriton Township's public records from the possibility of theft and /or modification. The presence of a designated employee is required when public records are examined and inspected.

9. Fees for duplication of public records shall be as follows:

(A) Photocopying: * Up to 8 ½ x 11 sheets = 25 cents (\$0.25) per page.
* Above 8 ½ x 11 sheets to 11 x 17 = 50 cents (\$0.50) per page
* Larger copies that must be sent out for processing the charge will be the cost incurred.

(B) Duplication of public electronic and/or tape records: actual cost to the Township of duplicating the public record.

(C) Certified copies: \$1.00 per page.

(D) Postage: actual cost to the Township of mailing the public record.

The Township may in its discretion waive fees.

10. In the event the estimated cost of fulfilling request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense of East Norriton Township's resources.

11. If the request is being reviewed, the notice provided by the Township shall be in writing and include the reason of the review and expected response date, which shall be within thirty (30) days of the notice of review. If the Township does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (A) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (B) The record requires retrieval from a remote location;
- (C) A timely response cannot be accomplished due to staffing limitations;
- (D) A legal review is necessary to determine whether the record requested is a public record;
- (E) The requester has failed to comply with the Township's policy and procedure requirements; or
- (F) The requester refuses to pay the applicable fees.

12. If access to the record requested is denied, the notice provided by the Township shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate East Norriton Township Records."

13. If the request is denied or deemed denied, the requester may file exceptions within fifteen (15) business days of the mailing date of the Township's notice of denial, or within fifteen (15) days of a deemed denial. The exceptions must:

- (A) Indicate the date of the original request;
- (B) Identify and describe the record(s) requested;
- (C) State the grounds upon which the requester asserts the record(s) is a public record;
- (D) Address any grounds stated by the Township in its notice of denial.

14. The Township shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing

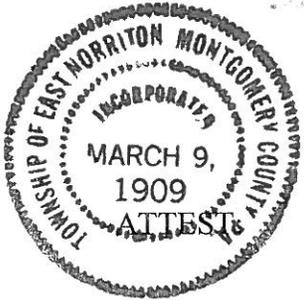
date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

15. This policy shall be posted conspicuously at the East Norriton Township municipal building.

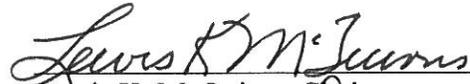
16. This policy shall take effect on December 26, 2002.

If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be separate, distinct and independent and such holding shall not affect the validity of the remaining portions of this Resolution.

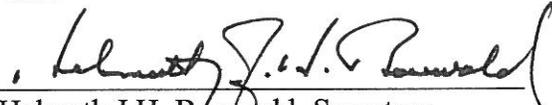
RESOLVED AND ADOPTED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, in a public meeting this 15th day of February, 2003.



BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP



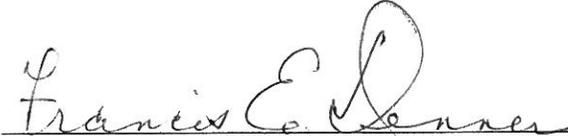
Lewis K. McQuirns, Chairman



Helmuth J.H. Baerwald, Secretary



Donald J. Gracia, Vice Chairman



Francis E. Denner, Supervisor