

RESOLUTION 2020-27

A RESOLUTION OF SEVEN FIELDS BOROUGH, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA TO ASSURE COMPLIANCE WITH **THE RIGHT-TO-KNOW LAW** REGARDING PUBLIC RECORDS, TO PRESERVE THE INTEGRITY OF THE BOROUGH FILES AND TO MINIMIZE THE FINANCIAL IMPACT TO THE RESIDENTS OF THE BOROUGH REGARDING THE RESOURCES CONSUMED.

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

WHEREAS, this Resolution replaces and rescinds all previously adopted Resolutions pertaining to the Public Record Law, otherwise known as the Right-to-Know Law; and

WHEREAS, it is the policy of Seven Fields Borough 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 of the Borough.

THEREFORE, BE IT RESOLVED, that the Borough Council designates the Borough Manager as the responsible Official for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Borough Manager may designate certain employee(s) to process public record requests, and develop and implement the administrative forms and processes to fully comply with the Right-to-Know Law.
2. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough 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 the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough 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 Borough 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 Borough.
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The Borough Manager shall facilitate a reasonable response to a request for Borough public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner and timeframe consistent with Borough's 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 Borough does not respond within five (5) business days of receipt thereof, the request is deemed denied.
7. The response provided by the Borough shall consist of the following: (1) approval for access to the public record; (2) review of the request by the designated employee; and/or (3) denial of access to the record requested.
8. If access to the public record requested is requested and approved, the public record shall be available for inspection during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect the Borough'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: 25 cents (\$0.25) per page; plans \$3.00 per page. In the event that special photocopying is required, the Requester shall pay the actual reproduction cost of the Borough.
 - (b) Duplication of public electronic and/or tape records: actual cost to the Borough of duplicating the public record.
 - (c) Certified copies: \$1.00 per page except as provided in the Motor Vehicle Code.
 - (d) Shipping/Postage: Actual cost to the Borough of mailing the public record.

The Borough may in its discretion waive fees. Where public records are requested electronically and said records exist already in electronic form, the Borough will produce records electronically via email at no cost to the Requester or describe where the record is already publicly available.

10. In the event the estimated cost of fulfilling a 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 an unwarranted expense impact on Borough resources.
11. If the request is being reviewed, the notice provided by the Borough shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Borough 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 as, for example, for the purpose of determining whether the record requested is a public record;
 - e. The requester has failed to comply with the Borough'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 Borough shall be in writing on a form entitled "Denial of Request to Review and/or Duplicate."
13. The Borough may deny requests where the requestor has previously been granted access to public records and he/she has failed to pay related reproduction costs.
14. In the event of a denial or deemed denial, the Requestor shall have the right to appeal the determination to the Office of Open Records. Appeal rights will be included in any written denials.
15. This policy shall be posted conspicuously at the offices of Seven Fields Borough.
16. This policy shall take effect immediately.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Borough Council hereby adopts this Resolution confirming the Borough's Right-to-Know Policy, this 12th day of October, 2020.



Kimberly Regan-Koch, Council President



Thomas B. Smith, Borough Manager