

RESOLUTION 2067

A RESOLUTION OF THE BOARD OF SUPERVISORS BUCKINGHAM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA APPOINTING AN OPEN RECORDS OFFICER AND ADOPTING REVISED WRITTEN POLICIES AND REGULATIONS UNDER THE RIGHT-TO-KNOW LAW

WHEREAS, the Pennsylvania legislature passed Act No. 3 of 2008 enacting a new Right to Know Law, 65 P.S. § 67.101 *et seq.*; and

WHEREAS, the new Right to Know Law was signed into law by the Governor on February 14, 2008 and will take effect on January 1, 2009; and

WHEREAS, the new Right to Know Law requires at 65 P.S. § 67.502 that the Township appoint an Open Records Officer and provide to the Office of Open Records via email to OROregistration@state.pa.us or fax (717) 425-5343:

- The Township's name,
- The name of the Township's open records officer, and
- The Township's address, phone number, fax number, and email address; and

WHEREAS, the new Right to Know Law permits, at 65 P.S. § 67.504, that the Township may promulgate written policies and regulations necessary to implement the Right-to-Know Law; and

WHEREAS, after due consideration the Township has caused to be prepared the attached "Buckingham Township Right-to-Know Policy" and the fee schedule and other exhibits thereto for consideration of implementation by the Board of Supervisors,

NOW THEREFORE THE BOARD OF SUPERVISORS OF BUCKINGHAM TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA HEREBY RESOLVES AND DECLARES THIS THIRTIETH DAY OF DECEMBER 2008:

THAT Township Manager, Dana Cozza, is hereby appointed the Open Records Officer for Buckingham Township and the Township staff is hereby directed to provide confirmation of this appointment to the Office of Open Records.

THAT the attached "Buckingham Township Right-to-Know Policy" and the fee schedule and other exhibits thereto is hereby adopted by Buckingham Township as its policy implementing the Right to Know Act in accordance with 65 P.S. § 67.504;

THAT the policies shall be conspicuously posted at the Township Building and may be made available on the Township's website.

THAT all prior Township Resolutions and Regulations implementing the prior and now repealed Right-to-Know Act (65 P.S. §66.1 et seq.) are hereby rescinded and superceded by this Resolution.

BUCKINGHAM TOWNSHIP
BOARD OF SUPERVISORS

Maggie Rash, Chairman




Jon Forest



Henry W. Rowan

Attest:



Dana Cozza, Township Manager

Buckingham Township Right-to-Know Policy

A. Open Record Officer:

The township hereby designates its Township Manager, as the township Open Records Officer.

The Open Records Officer may be reached at:

Address: Buckingham Township Manager
P.O. Box 413
4613 Hughesian Drive
Buckingham, PA 18912

Telephone: 215-794-8834

Fax: 215-794-8837

Email: contact@buckinghampa.org

The Open Records Officer shall:

- Receive requests submitted to the Township;
- Direct requests to other appropriate persons within the Township;
- Track the Township's progress in responding to requests; and
- Issue interim and final responses under the Right-To-Know Act.
- Immediately refer all requests for criminal investigation records under the Open Records Act to the Open Records Officer of the District Attorney's Office in the following cases, regardless of whether the investigation is open, closed or disposed of by arrest of the suspect
 - Any Homicide case
 - Any Child Abuse case
 - Any Elderly Abuse case
 - Any sexual assault case
 - Any Arson case

- Child Pornography/Sexual Abuse of Children
- Corrupt Organizations
- Kidnapping and related Offenses
- Retaliation/Intimidation of a Witness

The Open Records Officer for the Bucks County District Attorney's Office is Detective Lt. Robert M. Gorman, District Attorney's Office, 55 E. Court Street, Fourth Floor, Doylestown, PA 18901, Telephone (215) 348-6354

B. General:

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours (8:00 a.m. to 4:00 p.m.) with the exception of weekends and holidays. The Township shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the Township does not currently compile, maintain, format or organize the record.

C. Public Posting:

The Following Information shall be posted in a publicly prominent place at the Buckingham Township Building and on the Township's internet website:

- Contact information for the open-records officer;
- Contact information for the Office of Open Records or other applicable appeals officer;
- A form which may be used to file a request;
- Regulations, policies and procedures of the Township relating to the Right-To-Know Act;
- The internet address of the Office of Open Records Website

D. Requests:

Requests shall be made in writing to the township Open Records Officer on a form provided by the township. (See attached form.)

E. Fees

Fees shall be in accordance with the attached fee schedule and may be amended from time to time by Resolution of the Buckingham Township Board of Supervisors.

F. Response

Buckingham 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 measure 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 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.

If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2008, the Right-to-Know Law.

Form response letters granting the request, denying the request, and granting the request in part and denying the request in part are attached to these policies.

G. Contact Information for Appeals

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

Appeals of criminal records shall be made to the Appeals Officer of the District Attorney of Bucks County. The Bucks County District Attorney Appeals Officer for Buckingham Township may be reached at:

Address: Abigail T. Fillman, Esquire
Bucks County District Attorney's Office
Bucks County Courthouse
55 East Court Street, Fourth Floor
Doylestown, PA 18901

Telephone: 215-348-6175

Fax: 215-348-6299

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 record(s) is (are) a public record and shall address any grounds stated by the township for delaying or denying the request.

Fee Schedule

<u>RECORD TYPE</u>		<u>FEE</u>
<p>Copies: (A “photocopy” is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5” x 11” page)</p>		25¢ per page
<p>Certification of a Record:</p>		\$1 per record, not per page. Please note that certification fees do not include notarization fees.
<p>Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents</p>		Actual Cost
<p>Facsimile/Microfiche/Other Media:</p>		Actual Cost
<p>Redaction Fee:</p>		No Redaction Fee May be Imposed
<p>Conversion to Paper:</p>		If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium. (Sec. 1307(e)).
<p>Postage Fees:</p>		Fees for Postage May Not Exceed the Actual Cost of Mailing

Please also note:

Prepayment: Prior to granting a request for access in accordance with this Act, the Township may require a requester to prepay an estimate of the fees authorized hereunder if the fees required to fulfill the request are expected to exceed \$100.

Once the request is fulfilled and prepared for release, the Township may require payment for the cost of the records prior to releasing the records.

Statutory Fees: If a separate statute authorizes the Township to charge a set amount for a certain type of record, the Township may charge no more than that statutory amount. For example, the Police Department has the authority to charge up to \$15.00 per report for providing a copy of a vehicle accident report. 75 Pa.C.S. §3751 (b)(2).

Inspection of Redacted Records: If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the Township shall redact the non-public information. The Township may not charge the requester for the redaction. However, the Township may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee will be charged.

Fee Limitations: Except as otherwise provided by statute as noted above, **no other fees may be imposed** unless the Township necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the Township's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with the Right-To-Know Act. No fee may be charged for searching for or retrieval of

documents. The Township may not charge staff time or salary for complying with a Right-To-Know request.