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**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS**

RESOLUTION 04-11

CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA

A RESOLUTION ESTABLISHING PROCEDURES AND REGULATIONS TO INSURE COMPLIANCE WITH THE PENNSYLVANIA RIGHT-TO-KNOW LAW, 65 P.S. §66.1 et seq., AS AMENDED, TO PROVIDE ACCESS TO PUBLIC RECORDS OF WEST BRADFORD TOWNSHIP; PRESERVE THE INTEGRITY OF WEST BRADFORD TOWNSHIP RECORDS; MINIMIZE FINANCIAL IMPACT TO THE RESIDENTS OF WEST BRADFORD TOWNSHIP REGARDING THE RESOURCES UTILIZED IN THE RECEIPT AND PROCESSING OF PUBLIC RECORD REQUESTS; REQUIRE THE PRESENCE OF A DESIGNATED EMPLOYEE WHEN PUBLIC RECORDS ARE EXAMINED; CHARGE REASONABLE FEES FOR DUPLICATION OF PUBLIC RECORDS; DESIGNATE THE TOWNSHIP MANAGER AS RESPONSIBLE FOR ASSURING COMPLIANCE WITH THE PENNSYLVANIA RIGHT-TO-KNOW LAW; ESTABLISH A FORM FOR WRITTEN REQUEST OF PUBLIC RECORD REVIEWS/DUPLICATION AND ESTABLISH A FORM FOR DENIAL OF A REQUEST TO REVIEW AND/OR DUPLICATE PUBLIC RECORDS.

WHEREAS, The Board of Supervisors of West Bradford Township desires to establish a policy to assure compliance with the Pennsylvania Right-to-Know Law, 65P.S. § 66.1 et seq., as amended, to provide access to public records of West Bradford Township, to preserve the integrity of West Bradford Township records, and to minimize the financial impact to the residents of West Bradford Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records; and

WHEREAS, the Board of Supervisors of West Bradford Township desires to establish a policy 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 West Bradford Township; and

WHEREAS, the Board of Supervisors desires to designate the Township Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the guidelines herein adopted.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 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 West Bradford Township regarding the resources utilized in the receipt and processing of public requests and the retrieval and copying of public records.*
- 3. All requests for public records of West Bradford Township under this policy shall be specific in identifying and describing each public record requested. In no case shall West Bradford*

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 West Bradford 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 West Bradford Township, as attached hereto entitled "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 or his designee shall facilitate a reasonable response to a request for West Bradford Township public records. In no case is West Bradford Township expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with West Bradford Township 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 West Bradford Township does not respond within five (5) business days of receipt thereof, the request is deemed denied.*
7. *The response provided by West Bradford 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 West Bradford Township. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect West Bradford Township 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:
(Or as set forth in the latest fee resolution adopted by the Township)*
 - a. *Photocopying:*

<i>8 ½ x 11</i>	<i>\$0.30 per sheet</i>
<i>8 ½ x 14</i>	<i>\$0 .60 per sheet</i>
<i>11 x 17</i>	<i>\$1.50 per sheet</i>
 - b. *Duplication of public electronic and/or tape records: actual cost to West Bradford township of duplicating the public record, plus \$3.00 media fee*
 - c. *Certified copies: additional \$2.00 per page*
 - d. *If a request is made for a copy of any record which cannot be reasonably duplicated on the facilities available at the offices of the Township, either due to the physical size or shape of the record or to the volume of the records being requested, the Township shall have the requested records duplicated at a commercial copying service or similar location, and the person or entity requesting the record shall be responsible for the amount charged by such outside source, plus \$10.00 for courier-conveyance services in connection with the Township's transportation of the records to and from such source.*
 - e. *West Bradford Township may in its discretion waive fees.*

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 the expected cost in advance of fulfilling the request to avoid unwarranted expense of West Bradford Township resources.*
11. *If the request is being reviewed, the notice provided by West Bradford Township 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 West Bradford 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 West Bradford 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 West Bradford Township shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate West Bradford Township Records."*
13. *If the request is denied or deemed denied, the requester may file exceptions with the Township Manager within fifteen (15) business days of the mailing date of West Bradford 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; and*
 - d. *Address any grounds stated by West Bradford Township in its notice of denial.*
14. *The Township Manager 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 West Bradford Township Administrative Offices.*
16. *This policy shall take effect on April 14, 2004.*

AND FURTHER RESOLVED THAT *the two forms of Public Record Review/Duplication Request which are attached hereto as Exhibit "A" are duly adopted for distribution to qualified requesters and internal use by West Bradford Township as applicable;*

AND FURTHER RESOLVED THAT *the form of Denial of Request to Review and/or Duplicate Public Records attached hereto as Exhibit "B" is hereby duly adopted by West Bradford Township for official notification purposes.*

APPROVED at the Public Meeting of the West Bradford Township Board of Supervisors held this 13th Day of April, 2004

ATTEST:

**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS**

Jack M. Hines, Jr.
Secretary

Bruce W. Laverty , Chairman

Mark J. Blair , Vice-Chairman

John A. Haiko, Member