

RESOLUTION

RIDGWAY TOWNSHIP MUNICIPAL AUTHORITY

WHEREAS, the Authority's Board of Directors ("Board") is a municipal authority created pursuant to the authority of the Municipal Authorities Act of 1945, as amended, that provides water and sewer services to the Ridgway Township area; and

WHEREAS, because the Authority exists as a municipal authority it is considered a local agency pursuant to Act 3 of 2008, otherwise known as the Right to Know Law (the "Act"), and therefore adopts the following procedure for requesting, processing and providing public records; and

WHEREAS, this Resolution also sets forth the process for the denial of a request for public records; and

WHEREAS, this Resolution also provides the procedure in which an Open Records Officer shall be acknowledged and appointed by the Board of Directors; and

WHEREAS, this Resolution seeks to incorporate herein the purpose and intent of the Open Records Act of 2008 and the definitions and provisions set forth therein.

NOW, THEREFORE, in consideration of the Right to Know Law and the requirements under the Act, the Board of Directors hereby resolves as follows:

Section 1. Open Records Officer.

- A. At the first regular monthly meeting following passage of this Resolution and thereafter each year at the first meeting, the Board of Directors shall appoint an Open Records Officer. This Officer shall be responsible for processing, recording, tracking and otherwise administering all portions of this Resolution, as well as any resolutions, that may provide procedures for the retention of documents and the destruction of Documents of the Authority.
- B. Authority shall note the identity and manner of communication to the Open Records Officer post said information at a conspicuous location at the Authority.
- C. In the event an Open Records request is submitted to an employee other than the Open Records officer, that person must immediately provide the request to the Open Records Officer. All employees should refrain from accepting Open Records Requests and direct all such requests to the Open Records Officer.

D. Duties of the Open Records Officer:

1. The open-records officer shall receive requests submitted to the agency under this act, direct requests to other appropriate persons within the agency or to appropriate persons in another agency, track the agency's progress in responding to requests and issue interim and final responses under this act.

2. Upon receiving a request for a public record, legislative record or financial record, the open-records officer shall do all of the following:

(i) Note date of receipt of the written request.

(ii) Compute the day on which the five-day period under section 901 will expire and make a notation of that date on the written request.

(iii) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until the final determination is issued under section 1101(b) or the appeal is deemed denied.

(iv) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of the other communications. This subparagraph shall only apply to Commonwealth agencies.

Section 2. Public Records.

A. Public Records as defined by the Act shall be provided to any legal resident of the United States, unless otherwise exempted pursuant to the Act.

B. A record shall be defined as a "Public Record" as follows:

A record including a financial record, of a Commonwealth or local agency that:

(a) is not exempt under Section 708 of the Act;

(b) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order of decree; or

(c) is not protected by a privilege.

- C. The Authority shall not provide records that are exempted from public disclosure pursuant to Section 708(b) of the Act, regardless of whether a person or entity provides a release for such information.
- D. Pursuant to Section 708(b), draft meeting minutes of the Board of Directors shall be provided to Board Members, the Executive Director, and the Solicitor to review. Such a dissemination of draft minutes for review for purposes of subsequent approval shall not constitute a waiver of the exemption concerning meeting minutes.
- E. Regardless of the exemptions set forth in Section 708(b), Authority shall not provide documents or records that are privileged or protected by federal or state law or by any court order. In the event the Open Records Officer cannot determine the nature of a document with regard to privileged or other exemption, the Open Records Officer is authorized to seek guidance from the Authority Solicitor with regard to the same.
- F. Authority shall individually evaluate all exemptions and apply each exemption separately for purposes of determining what documents shall be provided pursuant to the Act.
- G. For purposes of this Resolution, Authority shall maintain records record retention and destruction procedures.

Section 3. Procedure for Requesting Records.

- A. All requests for documents must be a written request submitted on a form as established by the Authority. Verbal requests shall not be considered official requests for purposes of the timeframes established by the Right to Know Law. For purposes of defining a "written request" the Authority shall accept requests by email, facsimile, mail or in person pursuant to the regulations outlined herein.
- B. All requests must be submitted to the Open Records Officer. In no event shall a request be considered officially submitted until received by the Open Records Officer.
- C. Upon receipt of a written request for a public record, the Open Records Officer shall make a diligent attempt to determine whether such a request involves a public record and whether the Authority is in possession of the subject record.

- D. Authority shall not be required to create a record which does not currently exist or compile, maintain, format or organize a record in a manner not maintained as of the date of the request.
- E. Authority shall follow the Open Records Law procedures for redaction when appropriate.

Section 4. Extension of Time.

- A. Authority shall respond to all requests within five business days. In instances of a voluminous request requiring a thirty day extension as provided under Section 902(a)(7) of the Act, or any other circumstances noted in Section 902 relating to an extension of time, Authority shall advise the requester within five (5) days of the need for additional time. Additional time may be necessary when any of the following factors apply:

1. Determination. Upon receipt of a written request for access, the Open Records Officer for an agency shall determine if one of the following applies:

- (a) The request for access requires redaction of a record in accordance with Section 706;
- (b) The request for access requires the retrieval of a record stored in a remote location;
- (c) A timely response to the request for access cannot be accomplished due to bona fide and specific staffing limitations;
- (d) A legal review is necessary to determine whether the record is a record subject to access under this Act;
- (e) The requester has not complied with the agency's policies regarding access to records;
- (f) The extent or nature of the request precludes a response within the required time period.

- B. When an extension of time is necessary under the factors set forth above the Open Records Officer shall provide the following information:

1. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is owed when the record become available.

If the date that a response is expected to be provide is in excess of 30 days, following the five business days allowed for in Section 901, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.

2. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

Section 5. Authority Discretion. The Authority may exercise its discretion to make an otherwise exempt record accessible for inspection and copying as set forth in the Pennsylvania Open Records law, if all of the following conditions apply:

- A. disclosure of the record is not prohibited by state or federal law or regulation or judicial order or decree;
- B. the record is not protected by a privilege;
- C. the Executive Director/CEO determines that the public interest favoring access outweighs any individual agency or public interest that may favor restriction of access.

Section 6. Fees for Records Requests.

- A. The Authority shall adopt the fees as established by the Pennsylvania Office of Open Records and shall revise said fee schedule as the Pennsylvania Office of Open Records provides updates or additional information.
- B. In the event that a fee for processing a request shall exceed or is reasonably believed to exceed \$100.00 the Authority shall require a pre-payment of \$100.00 in order to process said request.

Section 7. Denial of Access. In the event that the Authority seeks to deny a request for information, in whole or in part, the denial shall be in writing and set forth the following information:

- A. a description of the request;
- B. the specific reasons for denial and the support therefore;

- C. the typed or printed name, title, business address, business telephone number and signature of the Open Records Officer who has issued such denial;
- D. the date of the response; and
- E. the procedure to appeal said denial under the Open Records Act.

Section 8. Posting. Authority shall post the following information at the Business Office of the Authority and maintain such information in an updated format when necessary:

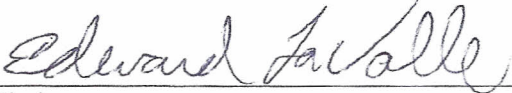
- A. Contact information for the Authority Open Records Officer;
- B. Contact information for the Pennsylvania Office of Open Records or other applicable appeals officer;
- C. A form that may be used to file a request;
- D. Regulations, policies and procedures of the Authority relating to this Resolution.

Section 9. Bid Documents. Authority shall provide notice on all competitive bid forms related to authority procurement that information within proposals including financial information of a bidder may be provided as a public record, if appropriate pursuant to the discretion of the Open Records Officer, after a bid is awarded.

Section 10. Appeals. The appeal of any action which is covered by this Resolution shall take place pursuant to the time limitations, provisions and procedures outlined in Section 1101 of the Pennsylvania Open Records Law.

DULY ADOPTED as a Resolution by the Authority's Board of Directors, in lawful session duly assembled this 3rd day of December, 2009.

By the Board,


Chairperson

RIDGWAY TOWNSHIP MUNICIPAL AUTHORITY

OPEN RECORDS FEE STRUCTURE

Open records requests submitted to Ridgway Township Municipal Authority shall be as follows:

Fee Structure

Record Type	Fee
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)	25¢ per page
Certification of a Record:	\$5.00 per record
Specialized Documents:	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Postage Fees:	Actual Cost of Mailing

- Payment in full will be required before any records are released. Prepayment will be required for processing any requests in which fees are expected to exceed \$100.00.

This fee schedule was adopted by Resolution of the Ridgway Township Municipal Authority on 12/3/09, 2009 and shall remain in effect until modified by further action of the Authority.

Ridgway Township Municipal Authority

Providing water and wastewater service for over 40 years

1537B Montmorenci Road, Ridgway, PA 15853

OPEN RECORDS REQUEST FORM

Date Requested: _____

Request Submitted By: _____ E-mail _____ U.S. Mail _____ FAX _____ In-Person

Name of Requester: _____

Street Address: _____

City/State/County/Zip: _____

Telephone (Optional): _____

Records Requested: **Provide as much specific detail as possible so the agency can identify the information.*

Do you want copies? YES or NO

Do you want to inspect the records? YES or NO

Do you want certified copies of records? YES or NO

****PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES****
****IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL****

FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER: _____

DATE RECEIVED BY THE AGENCY: _____

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: _____

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required bylaw. (Section 703.)*