

Manheim Township Resolution 454

A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF MANHEIM, YORK COUNTY, PENNSYLVANIA, ENACTING A POLICY AS REQUIRED BY ACT 3 OF 2008 (THE ACT), KNOWN AS THE RIGHT-TO-KNOW LAW, ESTABLISHING PROCEDURES FOR REQUESTING PUBLIC RECORDS.

THIS RESOLUTION SUPERCEDES RESOLUTION 392 ADOPTED OCTOBER 3, 2002, WITH REGARDS TO THE RIGHT TO KNOW POLICY. THE MEETING PROCEDURES ESTABLISHED IN RESOLUTION 392 REMAIN IN EFFECT.

RIGHT-TO-KNOW POLICY

Open Records Officer

Manheim Township hereby designates the Township Manager as the municipal Open Records Officer.

The Open Records Officer may be reached at:

Address: 5191 Wool Mill Road, Glenville, PA 17329

Phone: 717.229.2862

FAX: 717.227.9446

e-mail: ldrmanheim@comcast.net

General

All documents deemed public records by The Act shall be available to U.S. citizens for on site inspection or retrieval of duplicates at the Municipal Building during established business hours 8:00 a.m. to 4:30 p.m., Monday through Friday, with the exception of weekends and holidays.

Requests

Requests for copies of records must be in writing in accordance with section 703 of the Act. Manheim Township will provide to the public a records request form adopted as part of this Resolution attached hereto and incorporated by reference herein as "exhibit A." The township will also accept the standardized request form provided by the Pennsylvania Office of Open Records and marked specifically for the Manheim Township Open Records Officer. Written requests can be made in person, by mail, by facsimile, or by electronic means and shall state the date of the request, the name and full address of the requestor and a clear description of the records sought. The written request shall also indicate whether the requestor desires copies, certified copies, or simply to inspect the records on site. The public record will be accessible for inspection in the existing medium. If copies are requested, records will be provided in the requested medium, if that medium exists. Otherwise, copies of the public record will be provided in the medium in which it exists. Manheim Township will not compile, maintain, format or organize a public record in a manner in which it does not already do so.

Fees

Fees for paper copies shall be \$0.25 per page per side. Fees for specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be the actual cost of production. If another medium is requested, it will be provided by Manheim Township at

actual cost. A new disk will be necessary each time records are provided on floppy disks or CD's. If mail delivery is requested, the actual cost of postage will be charged. Faxing requests are available at actual cost. If "True and Correct Certification" is requested, an additional charge of \$1.00 will be added per record. Manheim Township will require prepayment if the fees are expected to exceed \$100. All fees described herein may be modified from time to time by the Office of Open Records or the Manheim Township fee schedule.

Response

The 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 utilizing reasonable measures 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 The Act.

Manheim Township must respond to the request within 5 business days from receipt of the request in accordance with the following guidelines:

1. Providing notice that copies of the records are available upon payment of fees;
2. Issuing a Denial, which must include:
 - a. A description of the record requested;
 - b. The specific reason for the denial, including a citation of supporting legal authority;
 - c. The name, title, address, telephone number, and signature of the public official or employee who issued the denial;
 - d. The date of the response; and
 - e. The procedure to appeal the denial.
 - f. If there is no response from Manheim Township within 5 business days from the receipt of the request, the request is deemed as a denial.
3. Responding in writing to explain that an exception to the five day response time applies. If Manheim Township claims an "exception" to the time requirements, it must issue a response within 5 business days explaining that the request is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of the fees due when the record(s) become available. This "response" is only permitted where one of the following exceptions applies:
 - a. The request requires redaction (see below);
 - b. The request requires Manheim Township to retrieve documents that are stored in a remote location;
 - c. Manheim Township cannot respond due to "bona fide and specified" staffing limitations;
 - d. A legal review is necessary to determine whether the record is a public record;
 - e. The requester has not complied with Manheim Township's policies regarding access to records; or
 - f. The requester refuses to pay applicable fees.

- g. The extent or nature of the request precludes a response within the required time period.

Even if one of the above exceptions applies, the anticipated “final” response date must be within 30 days from the initial 5 business day response deadline. If the response is expected to or actually does take longer than 30 days, Manheim Township’s response is treated as a deemed denial, unless the requester has agreed in writing to an extension of time. If an extension of time has been authorized in writing by the requester, a deemed denial shall occur on the day following the agreed upon extension date specified in the written agreement.

Redaction.

If a document contains public and non-public information, Manheim Township must redact (strike out) the non-public information and produce the remainder of the document. The matter that is redacted is treated as a “denial”, subject to denial issuance set forth above.

Appealing a Manheim Township Decision

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.

The appeal must be submitted within 15 business of the mailing date of the Manheim Township’s response, or within 15 business days of the deemed denial date. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the township for delaying or denying the request.

ADOPTED by the Manheim Township Board of Supervisors

on this 15th day of December, 2008.

//Larry E. Miller//

Larry E. Miller, Chairman

//Dwight F. Myers//

Dwight F. Myers, Vice-Chairman

//J. Matthew Muir//

J. Matthew Muir, Member