

TOWNSHIP OF LOWER ALSACE
RESOLUTION NO. 10-08

A RESOLUTION OF THE TOWNSHIP OF LOWER ALSACE, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE TOWNSHIP OF LOWER ALSACE, THE MANNER IN WHICH RECORDS SHALL BE DISSEMINATED, THE MANNER IN WHICH DECISIONS SHALL BE MADE CONCERNING DISSEMINATION OF PUBLIC RECORDS, AND ESTABLISHING A FEE SCHEDULE FOR DUPLICATION AND CERTIFICATION OF PUBLIC RECORDS OF THE TOWNSHIP OF LOWER ALSACE.

WHEREAS, the Township of Lower Alsace ("Township"), Berks County, Pennsylvania is a municipality organized under and governed by the Pennsylvania Second Class Township Code, as amended and supplemented, 53 P.S. §66140, et. seq (the "Code"); and

WHEREAS, Act No. 2002-100, effective December 26, 2002, and as amended by Act No. 2008-3, to be effective January 1, 2009 (the "Act") requires that the Township establish written policies necessary to provide for access to public records of the Township of Lower Alsace and to establish a reasonable fee schedule associated therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the Township of Lower Alsace as follows:

TOWNSHIP OF LOWER ALSACE
POLICY FOR ACCESS TO PUBLIC RECORDS

SECTION 1. All requests for access to public records of the Township of Lower Alsace shall be made in writing, verbally (in person or telephonically), or by facsimile.

SECTION 2. The Secretary of the Township of Lower Alsace Board of Supervisors shall be designated as the Open Records Officer of Lower Alsace Township

SECTION 3. All requests for access to public records of the Township of Lower Alsace shall be directed to the Open Records Officer, Township of Lower Alsace, 1200 Carsonia Avenue, Reading, PA 19606; Telephone: (610) 779-6400, facsimile: (610) 370-0797.

SECTION 4. When a request is received for access to public records, the Township shall make a determination within five (5) business days of receipt of the request, to grant or deny the request. The person or entity requesting the information shall be promptly notified of the Township's decision.

SECTION 5. If, after receiving a request for access to public records, the Township determines any of the following circumstances exist, the person or entity requesting access to the records shall be issued a notice that the request is being reviewed:

- (a) The request for access requires redaction of a public record;
- (b) The request for access requires 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 specified staff limitations;
- (d) A legal review of the request is necessary to determine whether the record is a public record subject to access under the Act;
- (e) The person or entity requesting access to the public record has not complied with the Township's policies regarding access to public records; or
- (f) The person requesting access to the record refuses to pay applicable fees as contained herein.
- (g) The extent or nature of the request precludes a response within the required time period.

The person or entity requesting access to the public record shall be informed in writing as to the specific reason that their request is being reviewed and a reasonable

date a response is expected to be provided.

SECTION 6. The request must be retained by the Township for thirty (30) days or until final appeal determination. If a request for access to public records is denied, the person or entity requesting the records shall be informed of the reason that the request has been denied and shall be given the authority relied upon by the Township for denying access. The notice of denial shall contain the name of the person making the decision to deny access to the public record, the date of the denial, and shall include the signature of the person denying access, along with an explanation of the procedures for appealing the Township's denial of access to the record in question within fifteen (15) days to the state Office of Open Records under the Department of Community and Economic Development.

SECTION 7. The following fees shall be applicable to requests for access to public records:

- (a) Photocopying fees - Twenty-Five Cents (.25) per page;
- (b) Certification of a public record - Two Dollars (\$2.00) per record certified;
- (c) Copying records onto electronic media - Twenty Dollars (\$20.00) plus actual cost of materials and media used for copying, and
- (d) Copying off-site of subdivision, land development or other plans - Twenty Dollars (\$20.00) plus actual cost incurred.

The Township, in its sole discretion, may waive the fees for duplication of public records if the Township determines that it is in the public interest to do so.

SECTION 8. If the estimated cost of duplication of a public record is expected to exceed One Hundred Dollars (\$100.00), the Township may require the person or entity requesting the record to prepay the estimated fees authorized by this policy, prior to providing access to the public record. Access to the records requested shall be postponed until prepayment is received.

SECTION 9 The Township shall utilize the form attached hereto as Exhibit "A" to process all requests for access to the Township's public records. When completed, a

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copy of the form shall be given to the person requesting the information and a copy shall be retained by the Township.

DULY ADOPTED this 10th day of December, 2008, by the Board of Supervisors of the Township of Lower Alsace, Berks County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF LOWER ALSACE

TOWNSHIP OF LOWER ALSACE
1200 Carsonia Avenue, Reading, Pennsylvania 19606
(Telephone (610) 779-6400 FAX (610) 370-0797)

Response to Request for Access to Public Records

I. Information Requested

A request from _____
(Name or Anonymous)

for _____ was received on _____,
(Describe record requested) (Date)

in _____.
(Writing or Verbally)

The request was submitted in person, by mail, by facsimile. The request is for
 inspection, duplication, both.

The medium requested for release is _____ which should
(Written, Electronic, Other)

be sent to _____ at _____
(Name) (Address)

A certified copy of the public record was requested and paid for.

II. Request Granted

Request was granted on _____
(Within five business days from receipt)

III. Written Notice of Review

The requester is hereby given written Notice of Review. _____
(Date within five business days from receipt)

Your request is being reviewed. The reason that your request is being reviewed is as follows:

You will receive a response from this office on or before _____ informing
(No later than 30 days from request)
you of the results of our review.

III. **Denial**

A. Your request for access to _____ is denied.

The reason that your request has been denied is as follows:

Our denial is based on the following authority:

This denial is being issued by _____
(Printed name)

(Address and telephone number)

Date _____

(Signature)

IV. Appeal

A. If you choose to appeal the denial of access under the new Right-to-Know Law, you may appeal to the state Office of Open Records under the Department of Community & Economic Development by filing exceptions within fifteen (15) business days of the mailing date of our response or fifteen (15) days of a deemed denial (including grounds that it is a public record, and address any grounds stated by the Township for delaying or denying the request)

B. The Office of Open Records will make a written determination within 30 days of the mailing date of the exceptions. If denied, a written explanation of the reason of the denial will be provided to you.

C. You may appeal the decision within thirty (30) days of the denial to the Court of Common Pleas of the Berks County.

D. The Township must be served notice of the action and must be given an opportunity to respond.

E. The record before the court must consist of the request; the Township's response; the requester's exceptions; the hearing transcript, if any; and the Office of Open Records final determination, if applicable.