

TOWNSHIP OF EAST DONEGAL

LANCASTER COUNTY, PENNSYLVANIA

RESOLUTION No. 2024-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF EAST DONEGAL, LANCASTER COUNTY, PENNSYLVANIA, ADOPTING A POLICY FOR INSPECTION AND DUPLICATION OF PUBLIC RECORDS IN ACCORDANCE WITH THE PENNSYLVANIA RIGHT TO KNOW LAW, 65 P. S. §§ 67.101-67.3104.

WHEREAS, the Township is an Agency as that term is defined in the Commonwealth of Pennsylvania's Right to Know Law (RTKL), 65 P. S. §§ 67.101-67.3104; and

WHEREAS, Section 504(a) of the Right to Know Law mandates that the Township adopt a policy to implement the Right to Know Law and to establish procedures for inspection and duplication of public records; and

WHEREAS, the Board of Supervisors desires to adopt a written policy for processing of requests for inspection and duplication of public records under the Right to Know Law and to establish fees.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of East Donegal, Lancaster County, Pennsylvania, as follows:

SECTION I: The Open Records Policy of the Township of East Donegal, Lancaster County, PA, is hereby amended to state in entirety as follows:

A. PURPOSE

The purpose of this policy is to assure compliance with Commonwealth of Pennsylvania's Right to Know Law (RTKL), 65 P. S. §§ 67.101-67.3104, as amended; to provide access to public records of East Donegal Township; to preserve the integrity of East Donegal Township's records; and to minimize the financial impact to the residents of the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

B. DESIGNATED OPEN RECORDS OFFICER

It is the policy of the Township 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 the Township. East Donegal Township designates the

Township Manager as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know law, in accordance with the following guidelines:

1. The Open Records Officer may be reached at the East Donegal Township Office, 190 Rock Point Road, Marietta, PA, 17547. Telephone: (717) 426-3167 or fax (717) 426-4881
2. The Open Records Officer may designate certain employee(s) to process public records requests.
3. The Township Manager is responsible for minimizing, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
4. All requests for public records of the Township under this policy shall be specific in identifying and describing each public record requested. In no case shall the Township be required to create a public record which does not exist or compile, maintain, format or organize a public record. All requests for public records shall be on the form attached hereto entitled "Public Record Review/Duplication Request" or on the form specified by the Pennsylvania Office of Open Records. All requests for public records shall be submitted in writing and include the date of the request, requester's name, address, and telephone number, certification of United State's residency, signature of requester, and if duplication is requested, appropriate payment. Anonymous or verbal requests will not be considered.
5. The Open Records Officer, or designated employee, shall make a good faith effort to determine, in accordance with the Pennsylvania Right-to-Know Law, whether the record requested is a public record.
6. All documents deemed public records shall be available for inspection, retrieval, and duplication at the East Donegal Township Office during established business hours (8:00 a.m. to 4:00 p.m. Monday through Thursday, 8:00 a.m. to noon Friday), with the exception of Township-designated holidays. The Open Records Officer, or designated employee, shall cooperate fully with the requester, while also taking reasonable measures to protect Township public records from the possibility of theft and/or modification. The presence of the Open Records Officer or designated employee is required when public records are examined and inspected.
7. The Township shall facilitate a reasonable response to a request for East Donegal Township public records. In no case is the Township expected to provide extraordinary staff to respond to the request, but will respond in a manner

consistent with the Township's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

8. The Open Records Officer, or designated employee, shall note on the written request, the date of receipt of it and the date five (5) business days thereafter and shall respond to the requester within that period. If the Township does not respond within five (5) business days of the receipt thereof, the request is deemed denied.
9. The Township shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification to the third party shall be provided within five (5) business days from the receipt of the request. The third party shall have five (5) business days from the receipt of notice from the Township to provide input on the release of the record. The Township shall deny the request for the record or release the record within ten (10) business days of the date of notice to the third party and shall notify the third party of the decision.
10. The response provided by the Township shall consist of either (1) approval for access to the public record; (2) notice that the request is being reviewed; (3) denial of access to the record requested.
11. Fees for paper copies shall be \$0.25 per page per side. The certification of a record is \$1.00 per record. Specialized documents including, but not limited to blueprints, color copies, and non-standard sized documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township may at its discretion waive fees.
12. 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 Township resources.
13. If the request is being reviewed, the notice provided by the Township shall be in writing and 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 expected to be provided and an estimate of the applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for, 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. 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 Township has not provided a response by that date. 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 is subject to access;
 - e. The requester has failed to comply with the Township's policy and procedure requirements;
 - f. The requester refuses to pay the applicable fees; or
 - g. The extent or nature of the request precludes a response within the required time period.
14. If access to the record requested is denied, the notice provided by the Township shall be in writing and shall contain 1) a description of the record requested; 2) the specific reason for the denial, including citation of supporting legal authority; 3) contact information for the Open Records Officer; 4) the date of the response; and 5) the procedure to appeal the denial.
15. The designated employee shall maintain an electronic or paper copy of the 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 thirty (30) days or, if an appeal is filed, until a final determination is issued by the Office of Open Records or the appeal is deemed denied.
16. If the request is denied or deemed denied, the requester may file an appeal in writing to : Executive Director, Commonwealth's Office of Open Records, 333 Market Street, 16th Floor, Harrisburg PA 17101 within fifteen (15) business days of the mailing date of the Township's notice of denial, or fifteen (15) days of a deemed denial. A copy of the requester's original request and the Township's denial letter must be included when filing an appeal. The law requires an appeal to include reasons why the record is public and to address the Township's denial letter.
17. With thirty (30) days of the mailing date of the final determination of the appeals officer, the requester or Township may file a petition for review or other document as required by rule of court with the court of common pleas for Lancaster County. A petition for review under this section shall stay the release of documents until a decision is issued.

C. POSTING

The following information shall be posted at the Township Office, and, if the Township maintains an internet website, on the Township's internet website:

1. Contact information for the Township's Open Records Officer.
2. Contact information for the Pennsylvania Office of Open Records.
3. A form which may be used to file a request with the Township.
4. A copy of this policy and all other written Township policies and procedures relating to the Pennsylvania Right to Know Law.

SECTION II. Repealer. That any Ordinance, or part of Ordinance, or Resolution, or part of Resolution, conflicting with this Resolution is hereby repealed insofar as the same affects this Resolution.

SECTION III. Severability. If any sentence, clause, section, or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution. It is hereby declared as the intent of the Board of Supervisors of the Township of East Donegal that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION V. Effective Date. This Resolution shall become effective on SEPTEMBER 5, 2024.

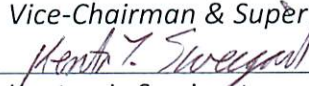
SECTION VI. This Resolution shall apply to requests filed after SEPTEMBER 5, 2024.

DULY ORDAINED AND RESOLVED this 5th day of SEPTEMBER 2024 by the Supervisors of the Township of East Donegal, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF EAST DONEGAL
Lancaster County, Pennsylvania

Attest: 
Jeffrey L. Butler
Township Secretary

By: 
Allen D. Esbenshade
Chairman & Supervisor

Michael L. Brubaker
Vice-Chairman & Supervisor

Kenton L. Sweigart
Supervisor



[Township Seal]