

**TOWNSHIP OF UPPER SALFORD**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

**RESOLUTION 2009-2**

**ESTABLISHING A POLICY FOR RESPONSE TO REQUESTS FOR INFORMATION  
UNDER THE PENNSYLVANIA RIGHT TO KNOW LAW, 65 P.S. §§67101 *et seq.***

**WHEREAS**, the Pennsylvania Legislature enacted and the Governor of Pennsylvania signed into law the Right to Know Act, Act 3 of 2008, February 14, 2008, to be effective, in pertinent part on January 1, 2009; and

**WHEREAS**, the Board of Supervisors of Upper Salford Township is authorized to establish a policy for the receipt, review and disposition of requests for public records under the Act and to set fees for responding to such requests; and

**WHEREAS**, the Board of Supervisors has determined that it is appropriate to establish a policy and set fees for the response to requests for public records under the Act.

**NOW THEREFORE**, the Board of Supervisors of Upper Salford Township hereby resolve as follows:

1. The Board of Supervisors shall designate an Open Records Officer as required by Section 502(a) of the Act at its annual reorganization meeting, to serve in that capacity for the calendar year then in effect, and shall provide the name, address, phone number, fax number and email address as requested and shall post the name, address, phone number, fax number and email address at the township offices and on the Township website, if any.

2. All documents deemed public records shall be available for inspection, retrieval, and duplication at the Upper Salford Township Office during the hours of 9:30 a.m. to 3:30 p.m. on any day on which the Township office is open and excepting weekends and designated holidays. Any written request transmitted or received on a weekend or designated holiday shall be deemed received on the next regular business day on which the Township office is open. The Township will not post requests or responses on the Township website. Presently, the Township does not provide access to public records on its website. In the event that the Township website will be modified to provide access to public records, the website shall also provide an explanation of what records are available for access on the Township website without the need for submission of a separate written request.

3. Only requests submitted in writing shall be answered. Verbal and anonymous requests will not be accepted. All requests shall be made in form provided by the township, or on the uniform form developed by the Office of Open Records pursuant to Section 505 of the Act.

4. The Open Records Officer shall be responsible for directing any request received to the appropriate persons within the Township, tracking the progress in responding to the request and the issuance of interim and final responses as required by the Act.

5. Upon receipt of a request for public records, the Open Records Officer shall note the date of receipt on the written request (See paragraph 3 hereof); determine the date by which a response is required under the Act, and note that date on the written request; maintain an electronic or paper copy of the written request, including any response (including denial of the request) and documents produced, if any, for a period of forty-five (45) days from the date of

response. All requests shall be disposed of in conformity with the procedures as established under Chapter 7 of the Act.

6. Anyone requesting public records shall be required to reimburse the Township for the cost of reproduction of the public records in the format requested or necessary to reproduce the public records. Photocopies shall be reimbursed by the requester at the rate of Twenty-five (\$0.25) Cents per page, per side, and payment shall be required at the time that the records are picked up by the requestor. In the event that the Open Records Officer shall estimate that the records requested shall exceed 40 pages, the Open Records Office may require the requester to deposit an amount equal to the estimated cost of the documents to be produced. Should any requester require certification from the Open Records Officer shall be required to reimburse the Township at the rate of One (\$1.00) Dollar per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged the actual cost of reproduction as incurred by the Township. If mailing is requested, the actual cost of postage will be charged. The township shall require prepayment if the total fees are estimated to exceed Ten (\$10.00) Dollars.

7. 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 taking reasonable measure to protect township documents from the possibility of theft, damage, and/or modification.

8. In the event that access to a record is denied, the response shall include a reason for denial as required by the Act.

9. Nothing in this policy shall be deemed to require that the Township create any record which does not exist as of the date of the request or to compile, maintain, format or organize a

record in a manner in which the Township does not as of the date of the request compile, maintain format or organize its records.

10. In the event that a requester shall determine to take an appeal from the denial or deemed denial of the request by the Open Records Officer, such appeal may be filed, in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building 400 North Street, Plaza Level Harrisburg, PA 17120-0225.

11. The Township does not presently maintain any criminal records. In the event that the Township shall maintain criminal records subject to the Act in the future, appeals of denials or deemed denials of the request for criminal records shall be filed, in writing to the District Attorney of Montgomery County, Montgomery County Courthouse, Norristown, PA 19404-0311.

12. Any appeal pursuant to Paragraphs 10 and 11 hereof shall be filed within 15 business days of the mailing date of the township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records is a public record and shall address any grounds stated by the township for delaying or denying the request.

13. A copy of this Resolution 2009-2 shall be posted in the Township Offices and shall be available on the Township website, if any. The Township website shall also provide the contact information for the open records officer and a link to the website of the Office of Open Records.

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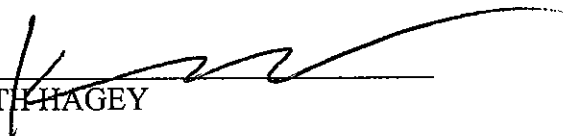
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RESOLVED this 5th day of January, 2009.

BOARD OF SUPERVISORS  
TOWNSHIP OF UPPER SALFORD

BY:   
THEODORE F. POATSY, JR.

  
KEVIN C. O'DONNELL

  
KENNETH HAGEY