



RESOLUTION

BOROUGH OF NEW FLORENCE WESTMORELAND COUNTY, PENNSYLVANIA RESOLUTION NO. 2009 -1

A Resolution of Council for the Borough of New Florence, County of Westmoreland, and Commonwealth of Pennsylvania, repealing the Resolution regarding the review and duplication of the Ordinances of the Borough of New Florence passed on September 18, 2007, repealing the Resolution governing the examination, inspection, or copying of Borough public records, not to include Ordinances, passed on November 20, 2007, establishing rules and regulations governing the review of the Ordinances of the Borough of New Florence, and establishing new rules in accordance with the laws of the Commonwealth of Pennsylvania, and in particular, the "Right to Know Law" for the examination, inspection, or copying of Borough public records.

WHEREAS, the New Florence Borough Council has found it to be in the public interest to provide rules and regulations governing the review of the Ordinances of the Borough of New Florence at the New Florence Borough building by members of the public;


WHEREAS, on February 14, 2008, Pennsylvania Governor Edward G. Rendell signed the new Right to Know Law, which took effect on January 1, 2009;

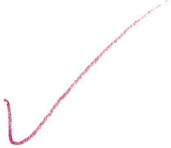
WHEREAS, the new Right to Know Law referred to in the previous paragraph provides that the Borough shall have the right to adopt and enforce regulations governing the implementation of the Right to Know Law;

WHEREAS, the Council of the Borough of New Florence has decided to establish regulations, in accordance with the laws of the Commonwealth of Pennsylvania, permitting the examination, inspection, and copying of public records of the Borough by any member of the public.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Council of the Borough of New Florence, as follows:

1. The Resolution providing rules and regulations governing the review and duplication of the Ordinances of the Borough of New Florence passed on September 18, 2007 is hereby repealed.
2. The Resolution establishing rules in accordance with the laws of the Commonwealth of Pennsylvania, and in particular the "Open Records Act," also known as the "Right to Know Law" for the examination, inspection, or copying of Borough public records, not to include ordinances, is hereby repealed.

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3. The Council hereby appoints the Borough Secretary, Mary Strucaly, as the Right-to-Know Officer, whose task it will be to:
 - a. Receive requests for records submitted to the Borough of New Florence;
 - b. Direct requests for records to other appropriate persons within the Borough of New Florence or to appropriate persons in another agency;
 - c. Track the Borough's or agency's progress in responding to the requests; and
 - d. Issue interim and final responses to requests for records.
 4. The member of the public who desires to examine and inspect Borough public records shall deliver a written request to the Right-to-Know Officer by fax, electronic mail, in person, or by U.S. mail, setting forth the specific Borough records which the requestor desires to examine.
 5. Within five (5) business days of the request, the Right-to-Know Officer shall notify the requestor in writing that the request has been granted, that the request has been denied, or that the Right-to-Know Officer is invoking a thirty-day extension to respond to the request. A written denial shall state whether the denial is total or partial and shall cite the legal basis for the total or partial denial. The thirty-day extension can be invoked on the basis of off-site location of records, staffing limitations, the need for legal review or redaction, a complex request(s), the failure to pay the applicable fees as required, and the failure to follow Borough of New Florence policy, as indicated in this Resolution.
 6. The Borough's fees with regard to public information requests are as follows:
 - a. The charge for making a black and white copy of a one-sided 8 ½ x 11" document is \$.25 per page.
 - b. The charge for all other copies is the actual cost to the Borough of copying.
 - c. The charge for certifying a public record is \$5.00 per record but does not include a notarization fee, which shall be the actual cost to the Borough of the notarization.
 - d. The charge for duplication from a facsimile, microfiche, or other media is the actual cost to the Borough of said duplication.

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- e. Duplicates of public records can be mailed to the requestor, who will be charged the actual cost of the mailing.
 - f. If a requestor wishes to inspect rather than receive a copy of a record, and the record contains both public and non-public information, the Borough of New Florence may redact the non-public information. The Borough of New Florence will not charge the requestor for the redaction. However, the Borough of New Florence may charge for the copies it must make of the redacted material in order for the requestor to view the public record. If, after inspecting the records, the requestor chooses to obtain the redacted copies, no additional copying fee may be charged.
- 7. On requests for copies of public records where the estimated charge is more than \$100.00 (combination of photocopy charge, mailing charge, and/or the certification/notary charge), prepayment shall be required;
 - 8. No public record shall be removed from the office of the secretary of the Borough of New Florence by any member of the general public;
 - 9. No member of the public shall have the right to examine, inspect, or copy any records, if such records are not public records, according to Pennsylvania law.
 - 10. With regard to Ordinances:
 - a. A copy of the New Florence Borough ordinances shall be kept at all times in the secretary's office of the Borough of New Florence;
 - b. Any member of the public shall have access to the New Florence Borough ordinances during the regular business hours of the New Florence Borough secretary, which are currently Mondays from 6:00 to 8:00 p.m. and Thursdays from 6:00 to 8:00 p.m.
 - c. The New Florence Borough ordinances shall not be removed from the offices of the secretary of the Borough of New Florence by members of the general public.
 - d. Nothing in this Resolution is intended to alter the procedures of the Westmoreland County Law Library in providing access, photocopies, certifications, and/or mailing fees with regard to its custody of the New Florence Borough ordinances.
 - 11. Any member of the public shall have the right to appeal the denial of access to the Borough records in accordance with the laws of the Commonwealth of Pennsylvania.

12. A copy of this Resolution shall be posted in the office of the secretary of the Borough of New Florence.

RESOLVED by the Borough Council of the Borough of New Florence this 20th day of January 2009, during a regular meeting wherein a quorum was present and voted in favor of said Resolution.

ATTEST:

BOROUGH OF NEW FLORENCE

Mary Strucaly
Secretary

Eugene Gorirossi
Eugene Gorirossi President
New Florence Borough Council