

RESOLUTION NO. 15-08

A RESOLUTION OF THE BOROUGH OF CATASAUQUA, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING A FORMAL OPEN RECORDS POLICY FOR PROCESSING REQUESTS TO EXAMINE AND/OR COPY PUBLIC RECORDS HELD OR MAINTAINED BY THE BOROUGH, ESTABLISHING FEES & CHARGES FOR DUPLICATION OF PUBLIC RECORDS, AND AMENDING THE "SCHEDULE OF FEES AND CHARGES" DATED MAY 5, 2008.

WHEREAS, the purpose of this policy is to assure compliance with the Commonwealth of Pennsylvania's Open Records Law (Act 3 of 2008), to preserve the integrity of the Borough's records and to minimize the financial impact to the residents of the Borough regarding the resources consumed in the copying of Borough files; and

WHEREAS, it is the policy of the Borough of Catasauqua to charge a fair and equitable rate for copying of public records.

BE IT RESOLVED by the Council of the Borough of Catasauqua, County of Lehigh and Commonwealth of Pennsylvania:

SECTION 1: That the following procedures shall guide the process to obtain public records pursuant to the Open Records Law:

1. Whenever possible, public records will be available for inspection and copying at the Borough Hall, 118 Bridge Street, Catasauqua, PA 18032, during normal business hours, Monday through Friday, 8:00 AM to 4:30 PM, with the exception of holidays.
2. Some public records require time to compile and to copy but will normally be available within five (5) business days of the request.
3. The Borough shall make a good faith effort to fulfill verbal requests for access to public records. However, in the event the requester wishes to pursue the relief and remedies provided for in the Open Records Law (Act 3 of 2008), the requester must initiate such relief with a written request to the Borough.
4. Written requests to inspect and/or duplicate public records shall only be on a form provided by the Borough or the Office of Open Records and addressed to the Borough Manager, 118 Bridge Street, Catasauqua, PA 18032. A copy of the form is attached hereto, made a part hereof, and identified as "Exhibit A". This written request may be presented in person, by mail, by fax or by e-mail.
5. The Borough Manager or his designee shall review all written requests for access to public records (except for police records). Within five (5) business days of receiving a written request to access public records, the Borough Manager or his designee shall respond to all such requests in a manner consistent with the applicable provisions of the Open Records Law. If the Borough Manager or his designee does not respond within five (5) business days of receipt thereof, the request is deemed denied.
6. The Chief of Police or his designee shall review all written requests for access to records maintained by the Borough of Catasauqua Police Department. The Open

Records Policy for the Catasauqua Police Department is incorporated herewith, made a part hereof and attached as Exhibit "B" to this Resolution.

7. Although the Open Records Law makes most government information available to the public, some exceptions do exist. If an exception applies then the Borough Manager shall withhold the requested information. The Borough Manager may seek legal advice from the solicitor concerning the request for access to Borough records or redact legally protected information from the records.
8. The Borough is not obligated to provide access to records which do not fall under the Open Records Act exceptions to "public records" as set forth in the Open Records Law.
9. Borough employees shall cooperate with those requesting the review and/or duplication of original Borough documents while taking reasonable measures to protect Borough documents from the possibility of theft and/or modification. When Borough documents are inspected, an employee of the Borough may be present to oversee the inspection.
10. When responding to a request for access, the Borough shall not be required to create a public record which does not currently exist or to compile, maintain, format or organize a public record in a manner in which the Borough does not currently compile, maintain, format or organize the public record.
11. A public record shall be provided to a requester in the medium requested if available; otherwise, it shall be provided in the medium in which it exists.
12. The fees for duplication of public records shall be in accordance with the Borough Schedule of Fees and Charges.
13. Fees must be paid by cash or by certified check or money order made payable to: Borough of Catasauqua.
14. In the event the estimated cost of fulfilling a request submitted under this resolution exceeds one hundred dollars (\$100.00), the Borough Manager shall obtain an amount of approximately fifty percent (50%) of the estimated payment in advance of fulfilling the request to avoid unwarranted expense of Borough resources.
15. Where a written request for access to records is denied by the Borough Manager (or his designee) or the Chief of Police (or his designee), the applicant may file an appeal to the Office of Open Records. The appeal shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Borough Manager for delaying or denying the request. Specificity of the appeal is considered mandatory to allow for meaningful review by the Office of Public Records. Failure to fully comply with the aforesaid requirement shall result in a denial of the exceptions. The exceptions must be filed with the Office of Public Records within 15 business days of the mailing date of the Borough Manager's response.
16. The Office of Public Records shall handle the appeal in accord with Act 3 of 2008.

SECTION 2: That the fees for duplication of public records shall be as follows:

- a. Photocopying Per Page
  - 8 1/2" x 11" ..... \$0.25
  - 8 1/2" x 14" ..... \$0.30
  - 11" x 17" ..... \$0.50
- b. Formatted Computer Disk ..... \$5.00
- c. Certification of any document as a true and correct copy of a Borough record ..... \$5.00
- d. Postage or express mail charges to respond to request for public record by forwarding records to requestor ..... Actual cost incurred by Borough
- e. Reproduction of record by third party when Borough does not have necessary equipment ..... Actual cost incurred by Borough

SECTION 3: That all other fees and charges not herein modified shall remain the same and the "Schedule of Fees and Charges" dated November 3, 2008 is hereby adopted.

SECTION 4: That this Resolution shall take effect and be in force immediately.

ADOPTED and APPROVED this            day of            , 2008.

BOROUGH OF CATASAUQUA

BY: \_\_\_\_\_  
Vincent P. Smith  
President of Council

ATTEST: \_\_\_\_\_  
Eugene L. Goldfeder  
Secretary

APPROVED this            day of            , 2008.

BY: \_\_\_\_\_  
Barbara A. Schlegel  
Mayor