

Resolution No. 2009-5

**RESOLUTION OF BOROUGH OF INDIAN LAKE
FOR ACCESS TO PUBLIC RECORDS**

A RESOLUTION OF THE BOROUGH OF INDIAN LAKE, SOMERSET COUNTY, PENNSYLVANIA, ESTABLISHING POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE BOROUGH OF INDIAN LAKE, 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 BOROUGH OF INDIAN LAKE.

WHEREAS, the BOROUGH OF INDIAN LAKE ("Borough"), Somerset County, Pennsylvania, is a municipality organized and governed by the Pennsylvania Borough Code, as amended, 53 P.S. § 45101, et. seq (the "Code"); and,

WHEREAS, Act No. 3 of 2008 (the "Act"), effective January 1, 2009, requires that the Borough establish written policies necessary to provide for access to public records of the Borough of Indian Lake and to establish a reasonable fee schedule associated therewith.

NOW, THEREFORE, BE IT RESOLVED, by the Indian Lake Borough Council as follows:

BOROUGH OF INDIAN LAKE – POLICY FOR ACCESS TO PUBLIC RECORDS

SECTION 1. All requests for access to public records of the Borough shall be made in writing, by mail, e-mail, facsimile or hand delivery.

SECTION 2. All requests for access to public records of the Borough shall be directed to the Borough Manager, as Open Records Officer, 1301 Causeway Drive, Central City, Pennsylvania, 15926; Telephone: (814) 267-4614, facsimile: (814) 267-3346.

SECTION 3. When a request is received for access to public records, the Borough 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 Borough's decision.

SECTION 4. If after receiving a request for access to public records, the Borough 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 redactions 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 Borough's policies regarding access to public records; or
- (f) The person requesting access to the record refused to pay applicable fees as contained herein.

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.

SECTION 5. 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 Borough 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 Borough's denial of access to the record in question.

SECTION 6. The following fees shall be applicable to requests for access to public records:

- (a) Postage – the Borough may impose a fee for postage which may not exceed the actual prevailing cost of mailing;
- (b) Duplication – the Borough may impose fees for duplication of public records by photocopying, printing from electronic media or microfilm, transmission by facsimile or other electronic means and other means of duplication, which fees shall be Twenty-Five Cents (\$.25) per page;
- (c) Certification – the Borough may impose a fee of Five and 00/100 Dollars (\$5.00) for official certification of copies, if certification is at the request of the requestor and for the purpose of legally verifying the public document;
- (d) Conversion to Paper – if a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive media. (Sec. 1307(e)).
- (e) Copying “off-site” of subdivision, land development or other plans – actual cost incurred.

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

Except as otherwise provided by statute, no other fees may be imposed. A reasonable fee equal to the actual cost shall be imposed if the Borough, out of necessity incurs costs not otherwise described in this resolution for complying with the request. However, the Borough

recognizes it may not impose a fee for its review of a record to determine whether the record is a public record subject to access.

SECTION 7. Prior to granting a request for access in accordance with this Act, a requestor shall prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed One Hundred and 00/100 Dollars (\$100.00). In no event will any public records or reports be released until requestor first pays the Borough all fees due and payable.

SECTION 8. The Borough shall utilize the form attached hereto as Exhibit "A" to process all requests for access to the Borough's public records. When completed, a copy of the form shall be given to the person requesting the information and a copy shall be retained by the Borough.

SECTION 9. The Borough may adopt amendments to this resolution which are necessary to implement the provisions and purposes of the Act. A copy of this resolution shall be conspicuously posted at the Borough's offices.

DULY ADOPTED this 11th day of NOVEMBER, 2009, by the Borough Council of Indian Lake, in lawful session duly assembled.

Attest:

INDIAN LAKE BOROUGH

Thomas L. Myant
Secretary

By [Signature] (SEAL)
Its COUNCIL PRESIDENT

(Corporate Seal)