

**RESOLUTION NO. 2006-17**

**TOWNSHIP OF UPPER SAUCON  
LEHIGH COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE TOWNSHIP OF  
UPPER SAUCON, LEHIGH COUNTY,  
PENNSYLVANIA, ESTABLISHING A FORMAL  
OPEN RECORDS POLICY FOR PROCESSING  
REQUESTS TO EXAMINE AND/OR COPY  
PUBLIC RECORDS HELD OR MAINTAINED BY  
THE TOWNSHIP.**

WHEREAS, the purpose of this policy is to assure compliance with the Commonwealth of Pennsylvania's Open Records Law (Act 100 of 2002), to preserve the integrity of the Township's records and to minimize the financial impact to the residents of the Township regarding the resources consumed in the copying of Township files, and

WHEREAS, it is the policy of Upper Saucon Township to charge a fair and equitable rate for copying of public records, and

THEREFORE, BE IT RESOLVED, 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 immediately available for inspection and copying at the Township Municipal Building, 5500 Camp Meeting Road, Center Valley, PA 18034, 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 Township 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 200 of 2002), the requester must initiate such relief with a written request to the Township.
4. Written requests to inspect and/or duplicate public records shall be on a form provided by the Township and addressed to the Township Manager, 5500 Camp Meeting Road, Center Valley, PA 18034. A copy of the form is attached hereto, made a part hereof, and identified as "Exhibit A".
5. The Township 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 Township 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 Township 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 Upper Saucon Township Police Department. The Open Records Policy for the Township 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 Township Manager shall withhold the requested information. The Township Manager may seek legal advice from the solicitor concerning the request for access to Township records.
8. The Township is not obligated to provide access to records which do not fall under the definition of "public record" as that term is defined in the Open Records Law.
9. Township employees shall cooperate with those requesting the review and/or duplication of original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.
10. When responding to a request for access, the Township 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 Township 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. Fees for duplication of public records shall be as follows:

a. Photocopying Per Page	
i. 8 ½" x 11" .....	\$0.25
ii. 8 ½" x 14" .....	\$0.30
iii. 11" x 17" .....	\$0.50
b. Formatted Computer Disk .....	\$5.00
c. Certification of any document as a true and correct copy of a Township record .....	\$5.00

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|--|----------------------------------|
| d. Postage or express mail charges to respond to request for public record by forwarding records to requestor..... | Actual cost incurred by Township |
| e. Reproduction of record by third party when Township does not have necessary equipment.....                      | Actual cost incurred by Township |

13. Fees must be paid by cash or by certified check or money order made payable to: Upper Saucon Township.

14. In the event the estimated cost of fulfilling a request submitted under this resolution exceeds one hundred dollars (\$100.00), the Township 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 Township resources.

15. Where a written request for access to records is denied by the Township Manager (or his designee) or the Chief of Police (or his designee), the applicant may file written exceptions with the Township Board of Supervisors. The exceptions shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Township Manager for delaying or denying the request. Specificity of exceptions is considered mandatory to allow for meaningful review by the Board of Supervisors. Failure to fully comply with the aforesaid requirement shall result in a denial of the exceptions. The exceptions must be filed (actually received) at the Township Municipal Building within 15 business days of the mailing date of the Township Manager's response.

16. The Board of Supervisors shall make a final determination regarding the exceptions within thirty (30) days of the mailing (or actual receipt date) of the exceptions. Prior to issuing the final determination regarding the exceptions, the Board of Supervisors may conduct a hearing. If the Board of Supervisors determines that the Township or the Police Department correctly denied access, then it shall provide a written explanation to the requestor of the reason for the denial.

17. This Resolution shall take effect and be in force immediately.

RESOLVED AND ENACTED this 28<sup>th</sup> day of March, 2006, by the Upper Saucon Township Board of Supervisors.

BOARD OF SUPERVISORS  
UPPER SAUCON TOWNSHIP

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice-Chairman

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Secretary