

RESOLUTION No. 195

THE MARSHALL TOWNSHIP MUNICIPAL SANITARY AUTHORITY (Right-to-Know Law Policy)

WHEREAS, The Marshall Township Municipal Sanitary Authority (the “Authority”) is a body corporate and politic organized and existing under and pursuant to the laws of the Commonwealth of Pennsylvania, particularly the Municipality Authorities Act, as amended (53 Pa. C.S.A. § 5601, *et seq.*), having been duly organized by the Township of Marshall, Allegheny County, Pennsylvania; and

WHEREAS, the Pennsylvania Legislature has enacted the “Right-to-Know Law,” 65 P.S. § 67.101, *et seq.* (the “Law”), setting forth requirements and procedures for the request for, and production of, certain public records; and

WHEREAS, the Authority has complied, and continues to comply, with the Law; and

WHEREAS, the Authority now wishes to formalize its requirements and procedures for requests made, and responses to requests made, under the Law; and


WHEREAS, as such, after due consideration, the Authority has determined to adopt a written Right-to-Know Law Policy, in the form attached hereto as Exhibit “A,” to set forth its policies and procedures in order to ensure continued compliance with the RKL; and

WHEREAS, the Authority also wishes to confirm the appointment of its Open Records Officer.

NOW, THEREFORE, be it and it is hereby resolved as follows:

1. The Board hereby adopts the Right-to-Know Law Policy in the form attached hereto as Exhibit “A,” which shall become effective as of August 1, 2017.
2. The Board further hereby appoints the Manager of the Authority, currently William Campbell, as the Authority’s Open Records Officer.

This Resolution was duly adopted and approved by the Board of the Marshall Township Municipal Sanitary Authority at an advertised public meeting on the 25th day of July, 2017.

By: 
vice Chairman, Marshall Township
Municipal Sanitary Authority

ATTEST: 

Exhibit "A"

THE MARSHALL TOWNSHIP MUNICIPAL SANITARY AUTHORITY RIGHT-TO-KNOW LAW POLICY

In accordance with the applicable provisions of Pennsylvania's Right-to-Know Law, 65 P.S. § 67.101, *et seq.* (the "Law"), it is the policy of The Marshall Township Municipal Sanitary Authority ("MTMSA") that the following procedures be followed for requests for records made pursuant to the Law:

1. All of the definitions set forth in the Law are incorporated into this Policy by reference.
2. All requests for records must be in writing, signed by the requester, along with his/her home address and telephone number. MTMSA is required to provide a requester with access to a public record only if the requester is a legal resident of the United States or an agency thereof that requests a record pursuant to the Law.
3. All requests for public records of MTMSA shall be submitted in writing and shall be specific and concise and clearly identify and describe each public record requested. Requesters may use the sample request form available on the website of Pennsylvania's Office of Open Records, <http://openrecords.state.pa.us/>. In no case shall MTMSA be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which MTMSA does not currently compile, maintain, format or organize the public record.
4. All requests for public records of MTMSA must be directed to the MTMSA's designated Open Records Officer between the hours of 8 a.m. and 4 p.m., Monday through Friday (except weekdays when MTMSA is closed for business), as follows:
 - a. *Via hand delivery or first-class U.S. mail:*
The Marshall Township Sanitary Authority
525 Pleasant Hill Road, Suite 200
Wexford, PA 15090
Attention: Open Records Officer
 - b. *Via facsimile:*
724-935-1411
Attention: Open Records Officer

MTMSA receives a request on the business day the Open Records Officer receives the request. Any request that is received by MTMSA after the close of regular business hours shall be deemed to be received on the next business day.

MTMSA will not accept oral or anonymous requests for records and reserves the right to reject all requests not directed to MTMSA's designated Open Records Officer. Requesters submitting oral or anonymous requests for records may not pursue the remedies available to a requester under the Law.

5. If a written request for records is granted, the following fees may be charged to the requester:

- a. Photocopying: 25 cents (\$.25) per single sided page (black & white); 35 cents (\$.35) per single side page (color).
- b. Duplication of public electronic and/or tape records: actual cost.
- c. Postage: actual cost.
- d. Specialized Documents, including drawings, blueprints, or records requiring redaction: actual cost.
- e. CD/DVD/Flash drive: actual cost.
- f. Conversion to paper: 25 cents (\$.25) per page.
- g. Certification: five dollars (\$5.00) per record.

MTMSA may, in its discretion, waive fees and may provide electronic responses if requested by the requester, to the extent feasible.

In the event that the estimated cost of fulfilling a request submitted under the Law is expected to exceed one hundred dollars (\$100.00), MTMSA's designated Open Records Officer shall obtain fifty percent (50%) of the expected cost in advance of fulfilling the request to avoid an unwarranted expense impact on MTMSA's resources.

No copies of public records will be released including by mail, without pre-payment of the fees designated above. All fees must be paid by check or money order made payable to "The Marshall Township Municipal Sanitary Authority."

6. To the extent a requester seeks to inspect the public records of MTMSA pursuant to the Law, MTMSA will make its public records accessible for inspection during MTMSA's regular business hours in a place of MTMSA's choosing and in the presence of a designated employee of MTMSA. Under no circumstances will a requester be permitted to remove original public records of MTMSA from MTMSA's offices.

7. MTMSA must provide a response to a request within five (5) business days of the receipt of the request, unless MTMSA's designated Open Records Officer gives the requester written notice that additional time will be required to fulfill the request based on one or more specific conditions. The circumstances under which MTMSA may obtain an extension of time in which to provide a response are as follows:

- a. The request requires potential redaction of a public record.
- b. The request requires retrieval of a public record stored at an off-site location.

- c. A response within the five (5) business day period cannot be accomplished due to a bona fide staffing limitation (including those resulting from business disruptions caused by weather and other occurrences).
- d. A legal review is necessary to determine whether the record requested, in whole or in part, is subject to access under the Law.
- e. The requester has not complied with MTMSA's policies regarding access to public records.
- f. The requester has not complied with a demand for prepayment of fees.
- g. The extent or nature of the request precludes a response within the required time period.

8. If all or part of a request for records is denied, appropriate notification will be provided as required under the Law, including the reason for the denial and the contact information for appealing the denial to Pennsylvania's Office of Open Records within fifteen (15) days of the mailing date of MTMSA's designated Open Records Officer's denial to the requester.

9. MTMSA reserves the right to amend or otherwise modify the Policy, without notice, to the extent changes in the Law make it necessary to do so and/or to otherwise comply with an Order of Court or directive/advisory opinion issued by Pennsylvania's Office of Open Records.