UPPER PROVIDENCE TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

RESOLUTION NO. 2003-3

RESOLUTION OF UPPER PROVIDENCE TOWNSHIP ESTABLISHING AN OPEN RECORDS POLICY IN ACCORDANCE WITH COMMONWEALTH OF PENNSYLVANIA ACT 100 OF 2002 WITH RESPECT TO REQUESTS FOR THE INSPECTION AND DUPLICATION OF THE TOWNSHIP'S PUBLIC RECORDS AND THE FEES CHARGED THEREFOR.

WHEREAS, Upper Providence Township is a Township of the Second Class organized under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Commonwealth of Pennsylvania enacted Act 100 of 2002 which revised the rules and regulations pertaining to the inspection and duplication of the public records of the Commonwealth and its political subdivisions; and

WHEREAS, the Board of Supervisors of Upper Providence Township desires to establish an open records policy in accordance with the requirements of Act 100 of 2002.

NOW, THEREFORE, BE IT RESOLVED that Upper Providence Township shall provide for the inspection and duplication of its public records in accordance with Commonwealth of Pennsylvania Act 100 of 2002 and in accordance with the "Open Records Policy" which is attached hereto as Exhibit "A." All requests for the Township's public records shall be set forth on the form which is attached hereto as Exhibit "B."

RESOLVED AND ADOPTED THIS SIXTH DAY OF JANUARY, 2003.

Attest:

George W. Waterman, III
Township Secretary

UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS

Robert A. Fieo
Chairman, Board of Supervisors

EXHIBIT "A"

OPEN RECORDS POLICY

UPPER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
OPEN RECORDS POLICY

Requests

Public records will be available for inspection and copying at the Upper Providence Township Municipal Building during regular business hours, Monday through Friday, 8:30 A.M. to 4:30 P.M., with the exception of holidays.

Requests shall be in writing and directed to the Township Manager at the Upper Providence Township Municipal Building, 1286 Black Rock Road, P.O. Box 405, Oaks, Pennsylvania 19456. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requester and a clear description of the records sought.

Fees

Paper copies will be $0.25 per page per side. If mailing is requested, the cost of postage will be charged. If a disk is requested, it will be provided by the Township at the cost of $1.00 per disk. A new disk will be necessary each time records are provided. Fax copies will be available at the cost of $0.50 per page. If "true and correct certification" is requested, an additional charge of $2.00 will be added. The Township may charge a fee for clerical assistance at the rate of $20.00 per hour. The Township will require prepayment if the total fees are estimated to exceed $100.00.

Response

The Township shall make a good faith effort to provide the requested public records as promptly as feasible. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or mutilation.

The Township Manager shall review all written requests for access to public records. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the Township Manager shall respond to all such requests in a manner consistent with Act 100 of 2002, the Open Records Law.

Appeals Process

If a written request is denied or deemed denied, the requester may file exceptions with the Board of Supervisors within fifteen (15) business days of the mailing date of the Township's denial. The exceptions shall state grounds on which the requester asserts that the record is a public record and shall address any grounds stated by the Township for denying the request.

The Board of Supervisors shall make a "final determination" on the exceptions within thirty (30) days of the mailing date of the exceptions. The Board of Supervisors may hold a hearing on the issue during the thirty (30) days. If the Board of Supervisors determines that the denial was correct, it must provide a written explanation to the requester.

The requester may file a final determination to the Common Pleas Court or District Justice within thirty (30) days of denial or final determination.