

**RESOLUTION NO. 2002-1**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN WESTMORELAND MUNICIPAL AUTHORITY, COUNTY OF WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A POLICY AND REGULATIONS IN ACCORDANCE WITH THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, AND IN PARTICULAR, THE "RIGHT-TO-KNOW LAW", FOR ACCESS TO PUBLIC RECORDS; ESTABLISHING FEES FOR ACQUISITION OF PUBLIC RECORDS; AND REGULATIONS FOR EXCEPTIONS OR APPEALS FROM DENIALS.**

**WHEREAS**, pursuant to Section 2 of the Right-to-Know Law, a public record is accessible for inspection and duplication by a person who is a resident of the Commonwealth of Pennsylvania unless the record, information or access is otherwise limited or prohibited by law; and

**WHEREAS**, pursuant to Section 8 of the Right-to-Know Law, it is provided that a municipality subject to the Act shall establish written policies and, may, promulgate regulations necessary to implement the Act; and

**WHEREAS**, the Board of Directors of the Western Westmoreland Municipal Authority is desirous of establishing a policy and regulations to implement said Act.

**NOW THEREFORE, BE IT RESOLVED** and it is hereby resolved by the Board of Directors of the Western Westmoreland Municipal Authority that any resident of the Commonwealth of Pennsylvania who desires to have access to the Authority's public records shall comply with the following policies and regulations.

1. A resident of the Commonwealth (hereafter referred to as "resident") who desires access to a public record of the Western Westmoreland Municipal Authority (hereinafter referred to as "Authority") for inspection and/or duplication, shall deliver a request to the Authority's Assistant Secretary-Treasurer. Requests shall be made in writing and delivered to the Authority's Assistant Secretary-Treasurer at the Authority Office at 12441 Route 993, North Huntingdon,

Pennsylvania 15642. The written request must be on the form provided by the Authority and shall include the date of the request, the name and address of requester, a clear description of the records sought, whether a certified copy of a record is requested and a certification as provided by law that the requester is a resident of the Commonwealth of Pennsylvania. Failure of the requester to include any or all of the information as set forth herein, and/or as required on the form, may result in a denial of the request until and unless any and all required information is provided.

2. Upon receipt of a written request, as set forth above, the Authority's Assistant Secretary-Treasurer shall notify such resident of the time and place at which the Authority's public records, as requested, may be examined, inspected and/or duplicated. As a general policy, public records shall be available for access, inspection and duplication at the Authority Office during normal business hours from Monday through Friday, from 9:00 a.m. to 4:00 p.m., prevailing time, with the exception of holidays or other days when the municipal offices are closed. The Assistant Secretary-Treasurer shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, which response shall not exceed five (5) business days from the date that the written request is received by the Assistant Secretary-Treasurer, unless it is determined that one of the following applies:

- a. The request for access requires redaction of a public record in accordance with the Act.
- b. The request for access requires the 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 staffing limitations.
- d. A legal review is necessary to determine whether the record is a public record subject to access under the Act.
- e. If the requester has not complied with the Authority's policies regarding access to public records.
- f. If the requester refuses to pay applicable fees as authorized by the Act and as provided by this Resolution.

3. If the Authority cannot comply with a written request for records within five (5) business days, the Authority shall notify the requester in writing that the request is being reviewed, the reason for the review and a reasonable date that a response is expected to be provided. If the date a response is expected is in excess of thirty (30) days following the five (5) business days set forth in Paragraph 2 above, the request for access shall be deemed denied.

4. If the Authority denies the request for access, whether in whole or in part, the Authority's Assistant Secretary-Treasurer shall issue a written response, which shall include:

- a. A description of the record requested.
- b. The specific reason for the denial.
- c. The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
- d. The date of the response.
- e. The procedure to appeal the denial of access as set forth in Paragraph 11 herein.

5. Neither the Assistant Secretary-Treasurer, nor the Authority shall be required to create a public record which does not currently exist or to compile, maintain or format a public record in a manner in which the Authority does not currently compile, maintain, format or organize the public record. A public record, to which a requester is entitled, shall be provided in the medium requested, if such public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.

6. If a public record is only maintained electronically or in some other non-paper media, then the Authority shall, upon request, duplicate the public record on paper in accordance with the Act and this Resolution.

7. If the Assistant Secretary-Treasurer or Authority determines that a public record contains information which is subject to access, as well as information which is not subject to access, the Assistant Secretary-Treasurer or Authority shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Assistant Secretary-Treasurer or Authority shall redact from the public record the information which is not subject to access and shall grant access to the information which is subject to access. If, however, the information which is not subject to access cannot be redacted from the public record then access to such public record shall be denied.

8. A public record may be duplicated by the requester at the Authority Office or other location determined by the Assistant Secretary-Treasurer and/or at the location where such public record is located, unless such duplication is of such a nature or magnitude that it interferes with the normal performance of the duties and responsibilities of the Assistant Secretary-Treasurer or other Authority officials or employees. If a requester requests that the duplication

be made by the Authority, then the requester shall pay the fees for such duplication. Such fees shall be paid at the time that the public record is delivered to the requester. If the requester fails or refuses to pay such fees, then the public record shall not be delivered to the requester. Fees for duplication by any means; fees for copying onto electronic media; fees for transmission by facsimile or other electronic means shall be, as from time to time are found to be reasonable and in accord with the prevailing fees and costs for comparable services provided by local business entities. At the time of adoption of this Resolution, the following are found to be reasonable and prevailing fees for such services.

- a. Photocopying:  
\$.10 per page, per side.
- b. Printing from electronic media or microfilm:  
\$.10 per page, per side.
- c. Transferring or copying onto electronic media:  
\$1.00 per disk or CD provided and \$.03 per page, copied or transferred onto such electronic media.
- d. Transmissions by facsimile:  
\$.50 per page.
- e. Electronic transfers:  
\$.05 per page.

9. The Assistant Secretary-Treasurer or Authority shall also charge for postage for any mailed items at the prevailing rates for the costs of mailing.

10. If a requester requests that a public record be certified by the Assistant Secretary-Treasurer or Authority, for the purpose of legally verifying such public record, a fee shall be paid by the requester to the Authority, in the amount of \$5.00 for each certification requested and provided.

11. If it is determined by the Assistant Secretary-Treasurer or Authority that the total estimated fees involved with a request exceed the sum of One Hundred (\$100.00) Dollars, then the estimated fees shall be paid in advance to the Authority before any access or duplication activities are permitted or undertaken by the Assistant Secretary-Treasurer and/or the Authority.

12. No resident shall have access to, nor examine, inspect or duplicate any public records to which the laws of the Commonwealth of Pennsylvania or the laws of the United States of America deny such access.

13. If a written request is denied or deemed denied, as provided in the Act, the requester may file exceptions with the Board of Directors of the Western Westmoreland Municipal Authority, within fifteen (15) business days of the mailing date of the Authority's denial or within fifteen (15) days of the date of deemed denial, as provided in the Act. Any exceptions filed shall state the grounds on which the requester asserts that the record is a public record and shall address any grounds stated by the Assistant Secretary-Treasurer and/or Authority for denying the request.

14. Unless the requester agrees otherwise, the Board of Directors, or its designee, shall make a final determination regarding such exception(s) within thirty (30) days of the mailing date of the exception(s). Prior to issuing the final determination regarding the exceptions, the Board of Directors of the Western Westmoreland Municipal Authority, or its designee, may conduct a hearing. The determination made by the Board of Directors shall be the

final order of the Western Westmoreland Municipal Authority. If it is determined that the Assistant Secretary-Treasurer correctly denied the requester access, then a written explanation shall be provided to the requester of the reason for the denial.

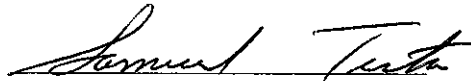
15. Any resident whose exceptions have been denied, may file a Petition for Review or other document as required by rule of court, with the Court of Common Pleas of Westmoreland County, or bring an action in the local magisterial district, pursuant to the provisions of the Right-to-Know Law.

This Resolution is duly adopted the 19th day of December, 2002, by a vote of the Board of Directors of the Western Westmoreland Municipal Authority.

WESTERN WESTMORELAND  
MUNICIPAL AUTHORITY


By:   
Chairman

ATTEST: (SEAL)

  
Secretary

**CERTIFICATION**

I, Barbara Balcerek, Assistant Secretary-Treasurer of the Board of Directors of the Western Westmoreland Municipal Authority, Westmoreland County, Pennsylvania, do hereby certify that the attached Resolution No. 2002-1 is a true and correct copy of the Resolution, duly ordained and enacted by the Board of Directors of the Western Westmoreland Municipal Authority, Westmoreland County, Pennsylvania, on the 19th day of December, 2002.

  
Assistant Secretary-Treasurer

Date: December 19, 2002