

AKRON BOROUGH COUNCIL

RESOLUTION No. 00083

BE IT HEREBY RESOLVED that, pursuant to the Pennsylvania Right-to-Know Law, the Akron Borough Council does hereby adopt the Borough of Akron Pennsylvania Right-to-Know Open Records Policy, as follows:

Requests:

Public records will be available for inspection and copying at the Borough of Akron Municipal Building during normal business hours, Monday through Friday, 8:30 a.m. - 4:30 p.m., with the exception of holidays.

Requests shall be in writing and directed to Susan Davidson, Borough Secretary/Right-To-Know Officer, at the Borough of Akron Municipal Building, 117 South Seventh Street, PO Box 130, Akron P A, 17501. Written requests shall be on a form approved by the Borough and shall include the date of the request, the name and address of the requester, and a clear description of the records sought.

Fees:

If mailing is requested, the actual cost of postage will be charged. Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be as are established: by the Pennsylvania Office of Open Records, housed in the Department of Community and Economic Development. The Approved State Office Of Open Records fee schedule will be posted at Borough Hall and/or provided by the Borough Right-To-Know Officer. If "True and Correct Certification" is requested, an additional \$1.00 will be added per page to the Office Of Open Records established fees.

The Borough will require prepayment if the total fees are estimated to exceed \$100.00. The Borough has the right to waive any and all fees when it deems it in the public interest to do so. The Borough will not impose copying fees where the requester duplicated the public record.

Except as provided above, no other fees will be imposed unless the Borough incurs cost for complying with the request and in such case those fees shall be reasonable. No fee will be imposed for the Borough's review of the records to determine whether the record is a public record, subject to access in accordance with the Act.

Borough Response:

Upon receipt of a written request for access to a record, the Borough shall make a good faith

effort to determine if the record requested is a public record, legislative record or financial record and whether the Borough has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. The time for response shall not exceed five business days from the date the written request is received by the Right-To-Know Officer. If the Borough fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied.

Costs:

All applicable fees are due at the time the Borough produces the requested documents and must be paid in order to receive the record requested.

Extensions:

If the Borough requires an Extension of time to respond to a request, the Right To Know Officer shall provide a written explanation within five (5) business days explaining that the request is being reviewed, the reason for the review, and a reasonable date when requester may expect a response.

Denial of Request:

If Akron Borough denies a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) The typed or printed name, title, business address, business telephone number and signature of the open-records officer on whose authority the denial is issued.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under this act.

Appeal of Borough Denial

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the State Office of Open Records. The appeal must be filed within 15 business days of the mailing date of the Borough's response denying the request or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

The State Office of Open Records shall assign an appeals officer to review the denial. The appeals officer shall make a final determination which shall include a written explanation of the Officer's decision. The decision shall be mailed to the requester and the agency within 30 days of receipt of the appeal unless the requester agrees to a time extension. If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied. Prior to issuing a final determination, a hearing may be conducted. The determination by the appeals officer shall be a final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the agency.

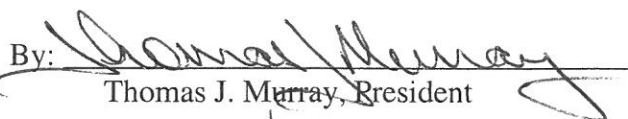
Within 30 days of the mailing date of the final determination, the requester may file a petition for review with the Court of Common Pleas for Lancaster County. The Borough shall be served notice of the requester's filing with the Court of Common Pleas.

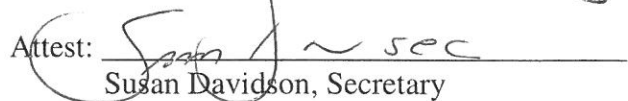
A Court may award attorney's fees to the Borough if the Court finds that the legal challenge was frivolous.

The terms of this Resolution shall be effective on January 1, 2009.

ADOPTED this 10th day of November, 2008.

AKRON BOROUGH COUNCIL

By: 
Thomas J. Murray, Resident

Attest: 
Susan Davidson, Secretary