

BETHEL TOWNSHIP

LEBANON COUNTY, PENNSYLVANIA

RESOLUTION NO. 121108-D

ADOPTING A RIGHT-TO-KNOW POLICY.

WHEREAS, Act 3 of 2008, the Pennsylvania Right-To-Know Law, will take effect January 1, 2009; and

WHEREAS, the Board of Supervisors of Bethel Township desires to provide for the orderly implementation of this new law.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Bethel, Lebanon County, Pennsylvania, as follows:

1. **APPOINTMENT OF OPEN RECORDS OFFICER.** Melissa Johnson, the township secretary, is hereby designated as the Bethel Township,

Lebanon County, Open Records Officer. The township Open Records Officer may be reached at:

Address: 3015 South Pine Grove Street
Fredericksburg, PA 17026

Telephone: (717) 865-4005

Fax: (717) 865-0906

E-mail: missy_betheltwp@comcast.net

2. **POSTING.** The township Open Records Officer shall cause to be posted the following information at the township building and on the township website:

- a. Contact information for the township's Open Records Officer;
- b. Contact information for the state Office of Open Records;
- c. Contact information for the Lebanon County District Attorney's office;
- d. A records request form that may be used to request records;
- e. This resolution.

3. **AVAILABILITY.** All documents deemed public records shall be available for inspection, retrieval, and duplication at the township municipal building during established business hours, which are from 8:00 a.m. to 4:00 p.m.,

Monday through Wednesday, and from 7:00 a.m. to 3:00 p.m., Thursday and Friday, with the exception of holidays.

4. **REQUESTS.** Requests for public records shall be made in writing to the township Open Records Officer on a form provided by the township, which shall be substantially the same as Exhibit A attached hereto. Requests may be submitted in person, by mail, by fax, and by e-mail.

5. **FEES.** Black and white paper copies shall be 25 cents per page per side. The certification of a record is \$1.00 per record. Specialized documents including, but not limited to, blueprints, colored copies, and non-standard sized documents shall be charged the actual cost of production. Facsimile, microfiche, and other media shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The township shall require pre-payment prior to granting a request for access, if the total fees are estimated to exceed \$100.00. In all cases the township shall receive the cost of production of the requested records prior to releasing those to the requester.

6. **RESPONSE.** The township shall make a good faith effort to provide the requested public records as promptly as possible. The Open Records Officer

shall cooperate with those requesting records to review and/or duplicate original township documents while taking reasonable measures to protect township documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but not later than after five (5) business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-To-Know Law.

If access to a record is denied, the response shall include a reason for denial as required by Act 3 of 2008, the Right-To-Know Law.

7. CONTACT INFORMATION FOR APPEALS. If a written request is denied or deemed denied, the requestor may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Plaza Level, Harrisburg, Pennsylvania, 17120-0225.

Appeals with respect to criminal records shall be made to the District Attorney of Lebanon County at the following address: Municipal Building, Room 11, 400 South 8th Street, Lebanon, Pennsylvania, 17042-6794.

8. **APPEALS PROCESS.** Appeals shall be filed within fifteen (15) business days of the mailing date of the township's response or within fifteen (15) business days of a deemed denial. Appeals shall state the grounds upon which the requestor asserts the records sought are public records and shall address any grounds stated by the township for delaying or denying the request.

9. **TRADE SECRETS AND CONFIDENTIAL PROPRIETARY INFORMATION.** The township suggests persons, businesses, and other legal entities submitting documents to the township that relate to trade secrets or confidential proprietary information, as defined in Act 3 of 2008, consider also submitting a written statement to the township detailing that the records, in their view, are confidential, along with citations to any laws protecting the confidentiality of the same.

10. **EFFECTIVE DATE.** This Right-To-Know policy shall be effective January 1, 2009. This township's Resolution No. 121202 establishing written policies implementing Act No. 2002-100, known as the Open Records Law, is repealed effective January 1, 2009.

ADOPTED this _____ day of _____, 2008.

**BETHEL TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Secretary

CERTIFICATE

I, the undersigned, Secretary of the Township of Bethel, Lebanon County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of a Resolution which duly was adopted by the Board of Supervisors of the Township, in accordance with law, at a meeting duly held on December 11, 2008, at which meeting a quorum was present; said Resolution has been certified and recorded by me, as secretary of the Township, in the book provided for the purpose of such recording; said Resolution, upon adoption, as aforesaid, was assigned Resolution No. 121108-D; presently, the total number of members of the Board of Supervisors of the Township is three (3); the vote of the members of the Board of Supervisors of the Township, upon adoption of said Resolution, the yeas and nays having been called, was duly recorded by me as Secretary as follows:

- Beverly Martel -
- Terrance Knapp -
- Charles Mengel, Sr. -

said Resolution has not been amended, altered, or repealed as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at such meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this _____ day of _____, 2008.

Secretary

(SEAL)