

**RESOLUTION 01-08-2009-01**

**COLLIER TOWNSHIP MUNICIPAL AUTHORITY  
RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS**

**I. Introduction**

The COLLIER TOWNSHIP MUNICIPAL AUTHORITY (“Authority”) is a body corporate and politic, duly organized under the laws of the Commonwealth of Pennsylvania by the Board of Commissioners of the Township of Collier, Allegheny County, Pennsylvania, under the former Municipality Authorities Act of 1945, repealed by Act 2001, June 19, P.L. 287, No. 22, § 3, now known as the “Municipality Authorities Act,” Act 2001, June 19, P.L. 287, No. 22, § 4, 53 Pa. C.S.A. § 5601 et seq. As such, the Authority is a local agency for purposes of the new Right-to-Know Law.

All local agencies shall provide public records in accordance with the Right-to-Know Law. Generally, any record in the possession of the Authority shall be presumed to be a public record, except in the following circumstances:

- (a) The record is exempt under section 708 of the Right-to-Know Law;
- (b) The record is protected by the attorney-work product doctrine, the attorney-client privilege, or other privilege recognized by the laws of the Commonwealth of Pennsylvania (i.e., statute or case law); or
- (c) The record is exempt from disclosure under any other federal or state law or regulation, or judicial order or decree.

Records are broadly defined under the Right-to-Know Law. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document.

Requests for public records can be made by any person or who is a legal resident of the United States, including resident aliens. Requests to the Authority can also be made by other local agencies, Commonwealth agencies (e.g., The Department of the Auditor General or the Treasury Department), judicial agencies (i.e., the courts), or legislative agencies (e.g., the Senate and House of Representatives).

## **II. Access and Procedure**

Requesters may make oral requests for access to public records. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, the request for access to records must be a written request. A written request for access to records may be submitted in person, by mail, by e-mail, or by facsimile.

The Authority has designated Michele Krugh, Office Administrator, to act as the Open-Records Officer (“Officer”).

The Officer’s contact information is set forth below:

Michele Krugh, Office Administrator  
Collier Township Municipal Authority  
2418 Hilltop Road, Suite 200  
Presto PA 15142

Phone: (412) 279-4941  
Fax: (412) 278-2001

E-mail: [info@Collier CTMA .com](mailto:info@Collier CTMA .com)

Questions regarding this policy may be directed to the Officer at the telephone or e-mail address listed above.

All written requests must be addressed to the Officer at the above listed address. In the event that a written request for records is addressed to an Authority employee other than the Officer, the Authority employee is hereby directed to promptly forward such requests to the Officer.

Written requests must identify or describe the record sought with sufficient specificity to enable the Authority to ascertain which records are being requested. Unless otherwise required by law, a written request need not include any explanation of the requester's reason for requesting the records or the intended use of such records. A form which may be used to file a request is posted on the Authority's internet website at CollierCTMA.com.

Upon receipt of a request, the Authority shall assign a tracking number to each filed form so as to track the Authority's progress in responding to requests under the new Right-to-Know Law.

**FEES AND POLICYS RELATED TO RELEASE OF RECORDS.**

The established Fee Schedule is attached to this Resolution as is marked as Attachment "A". This Fee Schedule may be amended from time to time by action of the Collier Township Municipal Authority.

Prior to granting a request for access in accordance with the Right-to-Know Law, the Authority will require a requester to prepay an estimate of the fees authorized by law if the fees required to fulfill the request are expected to exceed \$100.00.

By filing a written request for records, the requester agrees to pay applicable fees authorized by the new Right-to-Know Law and agrees that all applicable fees shall be paid before a requester receives access to the record(s) requested.

A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. In other

words, the Authority shall not be required to create a record which does not currently exist or to otherwise compile, maintain, format or organize a record in a manner in which it does not currently compile, maintain, format or organize such record.

Upon receipt of a written request for a public record, the Officer shall do the following:

- (a) Note the date and time of the receipt on the written request;
- (b) Compute the day and time on which the five (business days) day period will expire, and make a notation of that date on the written request; and
- (c) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.
- (d) Immediately forward the written request to the Solicitor for the Authority for review.

### **III. Authority's Response**

Upon receipt of a written request for access to a record, the Authority shall make a good faith effort to determine if the record requested is a public record and whether the Authority has possession, custody or control of the identified record. When doing so, the Authority will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Authority must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied. For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Authority's office is closed for all or part of a day due to a holiday, namely: New Year' Eve, New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving; Day after Thanksgiving; Christmas Eve; Christmas Day and two

(2) Floating Holidays which are approved by the Chairman of the Board of the Collier Township Municipal Authority.

Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

- (a) The request for access requires redaction of a record in accordance with the Right-to-Know Law;
- (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 can not be accomplished due to bonified and specified staffing limitations;
- (d) A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law;
- (e) The requester has not complied with the Authority's policies regarding access to records;
- (f) The requester refuses to pay applicable fees authorized by the Right-to-Know Law; or
- (g) The extent or nature of the request precludes a response within the required time period of five (5) business days.

Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided,

and an estimate of applicable fees owed when the record becomes available. Information which the Authority redacts in accordance with the Right-to-Know Law shall be deemed a denial.

If the date that a response is expected to be provided is in excess of thirty (30) calendar days, following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Authority has not provided a response by that date.

For purposes of this policy, the "mailing date" shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. mail; (2) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. mail.

#### **IV. Appeal of Authority's Determination**

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Authority's response or within fifteen (15) business day of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, and shall address any grounds stated by the Authority for delaying or denying the request.

The Office of Open Records has established a internet website with information relating to the Right-to-Know Law, including information on fees, advisory opinions and decisions, plus the name and address of all Open-Records Officers in the Commonwealth of Pennsylvania. For information on the Office of Open Records, please go to [openrecords.state.pa.us](http://openrecords.state.pa.us).

**V. Retention of Records**

By adoption of Resolution 01-08-2009, the Authority publicly declared its intention to follow the Municipal Records Act, 53 Pa. C.S.A. § 1381 et seq., with respect to the retention and disposition of public records. Nothing in the Right-to-Know Law shall be construed to modify, rescind or supercede the Authority's lawfully adopted record retention and disposition policy. Moreover, nothing in the Right-to-Know Law shall be construed to require access to any computer of the Authority, or that of an individual or employee of the Authority.

**VI. CTMA Officials**

Appointed CTMA Board members, CTMA Engineer and CTMA Solicitor shall be provided with public records for their use without the need to complete a written request form and without charge for photocopies requested by such Board Members, Engineer or Solicitor.

**VII. CTMA Website:**

In the event that a public records ins available on the CTMA website, requesters will be advised upon their first request of their ability to obtain such records from the website pursuant to § 704 of the Act. Requestors may nevertheless request that a website record be converted to paper under § 704(b) of the act as well as following all other requirements of the Act.

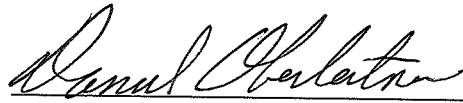
**VIII. Repealer:**

This Resolution repeals and replaces Resolution 09-11-03-01 entitled ACCESS TO PUBLIC RECORDS POLICY of Collier Township Municipal Authority which was adopted on September 11<sup>th</sup>, 2003.

**IX. Effective Date:**

This policy is to be effective as of January 1, 2009

COLLIER TOWNSHIP MUNICIPAL AUTHORITY

A handwritten signature in cursive script, reading "Daniel Oberleitner", is written above a horizontal line.

Daniel Oberleitner, Chairman



COLLIER TOWNSHIP MUNICIPAL AUTHORITY  
2418 HILLTOP ROAD, SUITE 200  
PRESTO PA 15142

**RIGHT-TO-KNOW REQUEST FORM**

DATE OF REQUEST: \_\_\_\_\_

NAME OF REQUESTOR: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/COUNTY: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

RECORDS REQUESTED: Please print or type

\*Provide as much specific detail as possible to that CTMA can identify the information requested.

DO YOU WANT COPIES? YES or NO \_\_\_\_\_. MAILED? YES or NO \_\_\_\_\_

DO YOU WANT TO INSPECT THE RECORDS? YES or NO \_\_\_\_\_

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO \_\_\_\_\_

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RIGHT TO KNOW OFFICER: \_\_\_\_\_

DATE RECEIVED BY CTMA: \_\_\_\_\_

CTMA FIVE (5) BUSINESS \_\_\_\_\_

DAY RESPONSE DUE: \_\_\_\_\_

CTMA REQUEST FORM  
RIGHT TO KNOW

## COST AND FEE STRUCTURE EFFECTIVE 01-01-2009

<u>RECORD TYPE</u>	<u>FEE</u>
<b>Copies:</b> (A "photocopy is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5 x 11 page)	.25 per page
<b>Certification of a Record:</b>	\$1.00, per record. (1)
<b>Specialized documents:</b> (For example, but not limited to, blue prints color copies, non-standard sized documents)	Actual cost
<b>Facsimile/Microfiche/ Other Media</b>	Actual cost
<b>Redaction Fee:</b>	None
<b>Conversion to Paper</b> Note: If a record is only maintained electronically or in other non-paper media, the duplication fee shall be limited to the lesser of the fee for duplication on paper of the fee for duplication in the original media unless the requester specifically requests for the record to be duplicate in the more expensive medium	See note
<b>Postage Fees:</b>	Actual costs.
<b>Prepayment requirements:</b> *Prior to granting a request for access in accordance with the Right-To- Know Act, CTMA may require the requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.00	See note *

All fees for requested records must be paid in full at the time of the release of the requested records.