



PETERS TOWNSHIP SANITARY AUTHORITY

111 Bell Drive, McMurray, PA 15317
PHONE 724.941.6709 FAX 724.941.2283

www.ptsaonline.org

RESOLUTION 03-06-18

RIGHT TO KNOW LAW OPEN RECORDS POLICY

WHEREAS, the Peters Township Sanitary Authority (the "Authority") is a municipal corporation organized under the Municipal Authorities Act of 1945, 53 Pa. C.S.A. §5601 et seq., as amended, for the purpose of providing a sanitary sewer collection, conveyance, and treatment facilities and for providing the staffing and financing to operate said facilities; and

WHEREAS, by Resolution 01-01-03, the Authority adopted an Open Records Policy under Act No. 100 of 2002, referred to as the Open Records/Right to Know Act; and

WHEREAS, the said Act No. 100 of 2002 has been repealed and replaced by the Right to Know Law, 65 P.S. § 67.101, et seq.; and

WHEREAS, the Authority desires to formally adopt a revised policy and appoint an Open Records Officer so as to comply with the Right to Know Law.

NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby adopts the following policy regarding access to public records:

I. INTRODUCTION

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.

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Patricia L. Mowry, Financial Controller	Donna L. LaManna, Billing Specialist	Patricia A. Cody, Administrative Assist



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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 shall be responded to when made by any person or who is a legal resident of the United States, including resident aliens, 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

Requestors may make oral requests for access to records with which the Authority may, at the discretion of its Open Records Officer, comply, however, if the requestor 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 Board of Directors has designated Enoch E. Jenkins, Authority Manager, or his successor in office to act as the Open Records Officer ("Officer"). The Officer's contact information is set forth below:

111 Bell Drive
McMurray, PA 15317-3415
724-941-6709 – phone
724-941-2283 – fax
ejenkins@ptsaonline.org – e-mail

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. 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 should 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 requestor'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 ptsaonline.org. The Authority shall

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assign a tracking number to each filed form so as to track the Authority's progress in responding to requests. The form for use by the Authority is attached as Exhibit "A" and may be amended from time to time by the Authority.

Prior to granting a request for access in accordance with the Right to Know Law, the Authority may 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 One Hundred and 00/100 Dollars (\$100.00). A fee schedule for Open Records under the Right to Know Law is attached to this Resolution and marked as Exhibit "B" and may be amended from time to time by the authority.

In all circumstances, the requester must agree to pay applicable fees authorized by the new Right to Know Law, such as (but not limited to) postage (not to exceed actual cost of mailing), duplication and certification. **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.** The Authority may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

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

- (a) Note the date of the receipt on the written request;
- (b) Compute the day on which the five-day period (see discussion of response, below) 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.

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**

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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's Day (January 1)
Good Friday (Friday before Easter)
Easter Sunday (Monday after Easter)
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Thanksgiving (fourth Thursday in November)
Friday after Thanksgiving
Christmas (December 25)

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 cannot be accomplished due to a bona fide 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

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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: (a) 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 of the Department of State of the Commonwealth of Pennsylvania within fifteen (15) business days of the mailing date of the Authority's response or within fifteen (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, and shall address any grounds stated by the Authority for delaying or denying the request.

The Office of Open Records has established an 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. (Please note: among other matters, the Office of Open Records shall establish fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, and other means of duplication.)

V. RETENTION OF RECORDS.

By adoption of Resolution 2-96-1, 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.

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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.

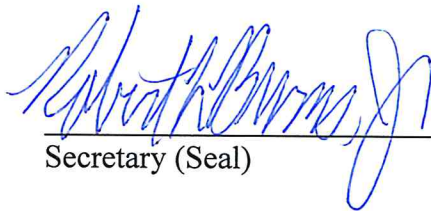
VI. REPEAL

All other resolutions and parts thereof which are in conflict with the Resolution are hereby repealed to the extent of such conflict.

ENACTED AND RESOLVED THIS 13th day of June, 2018.

ATTEST:

PETERS TOWNSHIP SANITARY AUTHORITY
Washington County, PA


Secretary (Seal)


Chairman

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