

**TOWNSHIP OF MAHONING**  
**MONTOUR COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2009-\_\_\_\_\_**

WHEREAS, the Board of Supervisors of Mahoning Township, located in Montour County, Pennsylvania, constitutes the chief governing body of Mahoning Township; and

WHEREAS, the Board of Supervisors deems it necessary to enact an Open Records Policy to comply with the new Right to Know Act Law, Act 3 of 2008.

NOW, THEREFORE, BE IT RESOLVED That the Board of Supervisors of Mahoning Township hereby adopt the following Open Records Policy:

1. Requests.

Requests for documents shall be in writing and directed to the appointed Open Records Officer for the Township of Mahoning. Written requests shall be on a form provided by the Township and shall include the date of the request, the name and address of the requestor, and a clear description of the records sought.

2. Fees.

The fees for duplication of the documents shall be those fees set forth by the Office of Open Records for the Commonwealth of Pennsylvania.

A request will not be processed until such time as the fee is paid with the request form.

3. Response.

The Township will make a good faith effort to provide the requested public records as promptly as possible. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five (5) days after receiving a written request to access public records, the Open Records Officer shall respond to such request in a manner consistent with Act 3 of 2008, the new Open Records Law. In the event that the Township fails to timely respond to a written request for records pursuant to Act 3 of 2008, the same shall be a deemed denial.

#### 4. Additional Time to Respond.

The Open Records Officer shall, upon receipt of the written request for documents, determine if one of the following applies:

- (A) The request for access requires redaction of the record;
- (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 record subject to access under this Act;
- (E) The requester has not complied with the Agency's policies regarding access to records;
- (F) The requester refuses to pay applicable fees; or
- (G) The extent or nature of the request precludes a response within the required time period.

Upon determining that one of the above applies, the Open Records Officer shall send a written notice to the requester within five (5) business days within receipt of the request for access and said 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. A response shall be given to the provider within thirty (30) days after service of said notice unless the requester agrees in writing to an extension.

#### 5. Denial.

If the Township's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (A) A description of the record requested;
- (B) The specific reasons for the denial including a citation of supporting legal authority.

(C) The types or printed names, title, business address, business telephone number and signature of the open records officer on whose authority the denial is issued;

(D) Date of the response;

(E) The procedure to appeal the denial of access under the New Right to Know Law.

## 6. Appeals Process

If a written request 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 Township's 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 appeal must comply with Act 3 of 2008.

All appeals shall be submitted to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, Fourth Floor, Harrisburg, Pennsylvania, 17120.

Within thirty (30) days of the mailing date of the final determination of the office of open records relating to a decision of the Township, a requester or the Township may file a Petition for review or other document as required by the rules of Court with the Court of Common Pleas of Northumberland County.

## 7. Posting

A copy of this policy shall be posted in a conspicuous place at the Township Building.

## 8. Open Records Officer

The Township pursuant to the provisions of Act 3 of 2008 hereby appoints Ron Miller to act as the open records officer.

Adopted this 19<sup>th</sup> day of January ,2009.

ATTEST:  
SUPERVISORS

MAHONING TOWNSHIP  
BOARD OF

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Christine DeLong, Secretary  
Chairperson

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Christine DeLong –

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Supervisor

William G. Earlston –

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Ronald Miller – Supervisor

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## Montour County District Attorney

Robert W. Buehner, Jr.

Montour County Courthouse  
29 Mill Street  
Danville, PA 17821

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