

RESOLUTION NO. 425

**Girard Township, Erie County  
Policies and Procedures  
for the  
Release of Township Documents  
in accordance with Act 100 of 2002**

Whereby, this resolution will define Girard Township's responsibilities under the new Open Records Law which will take effect December 26, 2002; and

Whereby, the following definitions are as such:

**Township** - Girard Township unless otherwise stated.

**Designated Township Employee** - An individual who is employed by Girard Township who has knowledge of and can determine the "public" nature of the records that are being requested. This person(s) must be aware of the location of these documents as well.

**Public Record** - Any account, voucher or contract dealing with the receipt or disbursement of funds by the Township or its acquisition, use or disposal of services or of supplies, materials, equipment or other property and any minute, order or decision by the Township fixing the personal property rights, privileges, immunities, duties or obligations of any person or group of persons: Provided, that the term "public records" shall not mean any report, communication or other paper, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties, except those reports filed by agencies pertaining to safety and health in industrial plants; it shall not include any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth of any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the record of any conviction for any criminal act.

**Record** - Any document maintained by the Township, in any form, whether public or not.

**Requestor** - A person who is a resident of the Commonwealth and requests a record pursuant to this act.

**Response** - Access to a record or the Township's written notice granting, denying or partially granting and partially denying access to a record.

**Page** - One side of a leaf of a book, manuscript, letter, document, etc.;

and

Whereby, the "General Rule" reads: Unless otherwise provided by law, a public record shall be accessible for inspection and duplication by a requestor in accordance with this act. A public record shall be provided to a requestor in the medium requested if the public record exists in that medium,; otherwise, it shall be provided in the medium in which it exists. Public records shall be available for

access during the regular business hours of the Township. NOTHING IN THIS ACT SHALL PROVIDE FOR ACCESS TO A RECORD WHICH IS NOT A PUBLIC RECORD; and

**Whereby**, Girard Township, Erie County establishes that public records will be available for inspection and copying at the Township's Municipal Building during normal business hours, Monday through Friday, 7:30 a.m. to 4:00 p.m. with the exception of holidays. Zoning related requests will be directed towards the Zoning Administrator and Payroll related requests will be directed towards the Clerk/Receptionists Office; and

**Whereby**, all requests shall be in writing and initially directed to the Township Secretary at the Township's Municipal Building, 10140 Ridge Road, Girard, PA 16417. Written requests shall be on the 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.

The Township of Girard hereby establishes the following fee schedule:

<b>Postage:</b>	Actual postal fees	<b>Copying:</b>	\$.25 Per page per side
<b>Convert to Paper:</b>	Same as copying	<b>Certification:</b>	\$5.00 (same as notary)
<b>Prepayment:</b>	If estimate \$100+	<b>Legal Review:</b>	No Charge
<b>Other Fees:</b>	Other fees may be assessed ONLY if the Township incurs additional costs in complying with a request and such fees must be reasonable; and		

**Whereby**, the Township will make a good faith effort to provide the requested public records as promptly as feasible. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification; and

**Whereby**, the Township Secretary or the appropriate appointed official, shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Township Secretary or the appropriate appointed official shall respond to all such requests in a manner consistent with Act 100 of 2002, the Open Records Law; and

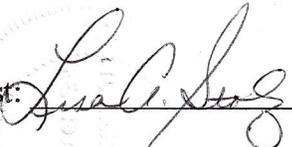
**Whereby**, if a written request is denied or deemed denied, the requestor may file exceptions with the Board of Supervisors within 15 business days of the mailing date or the date the requestor received notification, whichever comes first, of the Township's denial. The exceptions shall state grounds on which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for denying the request; and

**Whereby**, the Board of Supervisors shall make a "final determination" on the exceptions within 30 days of the mailing date of the exceptions. The Board of Supervisors may hold a hearing on the issue during the 30 days. If the Board determines that the denial was correct, it must provide a written explanation to the requestor;

**However**, the requestor may appeal a final determination to the Court of Common Please or District Justice within 30 days of the date of the denial or final determination.

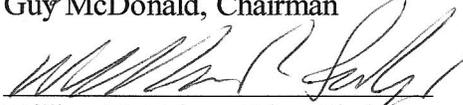
This resolution supersedes any and all resolutions and/or policies as well as any amendments that may exist regarding open records and the release of those documents.

**Therefore, be it resolved** this 26th day of November, 2002.

Attest: 

Date: 11/26/02

  
Guy McDonald, Chairman

  
William R. Felege, Vice-Chairman

  
Sandra L. Anderson, Supervisor