

**RESOLUTION No. 2016-15**

**A RESOLUTION BY THE COUNCIL OF THE CITY OF COATESVILLE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CITY OF COATESVILLE RIGHT-TO-KNOW POLICY FOR PUBLIC RECORDS AND TAKING OTHER OFFICIAL ACTION WITH RESPECT TO PUBLIC RECORDS**

**WHEREAS**, the City of Coatesville is a Third Class City operating under a Home Rule Charter in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Pennsylvania legislature passed Act No. 3 of 2008 enacting a new Right to Know Law, 65 P.S. § 67.101 *et seq.*; and

**WHEREAS**, the new Right to Know Law was signed into law by the Governor on February 14, 2008 and took effect on January 1, 2009; and

**WHEREAS**, the new Right to Know Law requires at 65 P.S. § 67.502 that the City of Coatesville appoint an Open Records Officer and provide to the Office of Open Records:

- The City's name,
- The name of the City's open records officer, and
- The City's address, phone number, fax number, and email address; and

**WHEREAS**, the new Right to Know Law permits, at 65 P.S. § 67.504, that the City may promulgate written policies and regulations necessary to implement the Right-to-Know Law; and

**WHEREAS**, after due consideration the City of Coatesville has caused to be prepared the attached "City of Coatesville Right-to-Know Policy" and the fee schedule and other exhibits thereto for consideration of implementation by the City Council.

**NOW, THEREFORE BE IT RESOLVED**, by authority of the same as follows:

1. That the City of Coatesville adopts the City of Coatesville Right-to-Know Policy for public records attached to this Resolution in compliance with the Municipal records Act.
2. That Ruthann Mowday is hereby appointed the Open Records Officer for the City of Coatesville.
3. That Kelly Ohar, is hereby appointed the Open Records Officer for the City of Coatesville Police Department beginning September 1, 2016.
4. That the attached "City of Coatesville Right-to-Know Policy" and the fee schedule is hereby adopted by the City Council as its policy implementing the Right to Know Act in accordance with 65 P.S. § 67.504.
5. That the policy and the fee schedule shall be conspicuously posted at the City's Billboard and may be made available on the City's website.
6. That the City Administration shall cause the above-specified information to be communicated to the Pennsylvania Office of Open Records.
7. That all prior Resolutions or Ordinances, or parts thereof inconsistent herewith are hereby repealed.

## **CITY OF COATESVILLE RIGHT-TO-KNOW POLICY**

### **1. Open Record Officer**

The City of Coatesville hereby designates Ruthann Mowday, and Kelly Ohar as the Open Records Officer(s).

The Open Records Officer(s) may be reached at:

Address: Ruthann Mowday City of Coatesville One City Hall Place Coatesville, Pa 19320 Telephone: 610-384-0300 Fax: 610-384-3612 Email: <a href="mailto:admin@coatesville.org">admin@coatesville.org</a>	Kelly Ohar City of Coatesville Coatesville Police Department One City Hall Place Coatesville, PA 19320 Telephone: 610-384-4635 Fax: 610-384-1921 <a href="mailto:mcdkel@coatesville.org">mcdkel@coatesville.org</a>
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The Open Records Officer shall:

1. Receive requests submitted to the City of Coatesville;
2. Direct requests to other appropriate persons within the City of Coatesville;
3. Track the City's progress in responding to requests;
4. Issue interim and final responses under the Right-To-Know Act.
5. Immediately refer all requests for criminal investigation records under the Open Records Act to the Open Records Officer of Coatesville Police Department.

### **2. General**

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours (9:00 a.m. to 5:00 p.m.) with the exception of weekends and holidays. The City of Coatesville shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the City of Coatesville does not currently compile, maintain, format or organize the record.

### **3. Public Posting**

The Following Information shall be posted in a publicly prominent place at the City of Coatesville Building and on the City's internet website:

- Contact information for the open-records officer(s);
- Contact information for the Office of Open Records or other applicable appeals officer;
- A form which may be used to file a request;
- Regulations, policies and procedures of the City of Coatesville relating to the Right-To-Know Act;
- The internet address of the Office of Open Records Website

### **4. Requests:**

Requests shall be made in writing to the City's Open Records Officer on a form provided by the City of Coatesville.

### **5. Fees**

Fees shall be in accordance with the attached fee schedule and may be amended from time to time by Resolution of the City Council.

as possible. The Open Records Officer(s) shall cooperate with those requesting records to review and/or duplicate original City's documents while taking reasonable measure to protect City's 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 no later than five 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 stipulated in Act 3 of 2008, the Right-to-Know Law. Form response letters granting the request, denying the request, and granting the request in part and denying the request in part are attached to these policies.

#### **7. Contact Information for Appeals**

If a written request is denied or deemed denied, the requester may file an appeal in writing to:

Office of Open Records  
Commonwealth Keystone Building  
400 North Street, Plaza Level  
Harrisburg, PA 17120-0225

#### **8. Appeals Process**

The appeal shall be filed within 15 business days of the mailing date of the city's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record(s) is (are) a public record and shall address any grounds stated by the City for delaying or denying the request.

## FEE SCHEDULE

**Copies:** 25¢ per page

(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

**Certification of a Record:** \$1 per record, not per page.

Please note that certification fees do not include notarization fees.

**Specialized documents:** Actual Cost.

For example, but not limited to, blue prints, color copies, non-standard sized documents

**Facsimile/Microfiche/Other Media:** Actual Cost**Redaction Fee:** No Redaction Fee May be imposed**Conversion to Paper**

If a record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium.

**Postage Fees**

Fees for Postage May Not Exceed the Actual Cost of Mailing

**Statutory Fees**

If a separate statute authorizes the City of Coatesville to charge a set amount for a certain type of record, the City may charge no more than that statutory amount.

**Inspection of Redacted Records**

If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the Township shall redact the nonpublic information. The Township may not charge the requester for the redaction. However, the Township may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee will be charged.

**Fee Limitations**

Except as otherwise provided by statute as noted above, **no other fees may be imposed** unless the City of Coatesville necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the City's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with the Right-To-Know Act. No fee may be charged for searching for or retrieval of documents. The City may not charge staff time or salary for complying with a Right-To-Know request.

**IN WITNESS THEREOF**, the Council of the City of Coatesville hereby authorizes the execution and attestation of this resolution.

RESOLVED AND ENACTED, this 8<sup>th</sup> day of August 2016.



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Linda Lavender-Norris  
City Council President


ATTEST:



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Michael T. Trio, AICP  
City Manager

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Resolution duly adopted at a regular meeting of City Council held on the 8<sup>th</sup> day of August 2016 and recorded in the minutes as such.



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Michael T. Trio, AICP  
City Manager