

EAST COVENTRY TOWNSHIP

BOARD OF SUPERVISORS

CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 2024-22

A RESOLUTION ADOPTING A NEW RIGHT-TO-KNOW POLICY TO SET FORTH PROCEDURES AND REGULATIONS FOR PROCESSING RIGHT-TO-KNOW REQUESTS; DESIGNATING AN OPEN RECORDS OFFICER; POSTING INFORMATION ON THE TOWNSHIP WEBSITE; APPROVING FORMS TO BE USED FOR SUBMITTING RIGHT-TO-KNOW REQUESTS AND VACATING AND REPEALING ANY PRIOR RESOLUTIONS SETTING FORTH PROCEDURES AND REGULATIONS RELATED TO RIGHT-TO-KNOW REQUESTS.

WHEREAS, Act 3 of 2008, known as the Pennsylvania Right-to-Know Law, as amended (the "Right-to-Know Law"), requires that public records be available for inspection, retrieval, and duplication at the Township Office during normal business hours of the Township with the exception of Township-designated holidays; and

WHEREAS, the Township is authorized to promulgate regulations and policies necessary to implement the Right-to-Know Law and to protect its interests in maintaining an orderly process for making records available for inspection and copying by the public.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, as follows:

1. The Board of Supervisors of East Coventry Township (the "Board") hereby adopts a new Right-to-Know Policy as set forth herein below.
2. The Board shall designate an Open Records Officer and in the absence of the Township's Open Records Officer, the Open Records Officer and/or the Board shall designate a

Township employee to act as Interim Open Records Officer for as long as may be necessary. The duties of the Open Records Officer shall be to receive and document requests, maintain copies of requests and supporting documentation, direct requests to the appropriate personnel in the Township, track the Township's progress in responding to requests, and issue interim and final responses to requests.

3. Requests shall be made in writing to the Township's Open Records Officer on a form provided by the Township or on the Pennsylvania Office of Open Records' Standard Right-to-Know Request Form. Anonymous or verbal requests will not be considered.
4. The Township may charge fees for certain types of records in accordance with the Township's fee schedule which may be revised from time to time. In the event the estimated cost of fulfilling a request is expected to exceed \$100.00, unless waived by the Township, the Open Records Officer or his designee shall require that the requester prepay one hundred percent (100%) of the expected cost in advance of fulfilling the request to avoid unwarranted expense to the Township. Any unforeseen cost(s) that remain(s) shall be paid by the requester prior to receiving access to the requested records.
5. The Open Records Officer shall make a good-faith effort to provide the requested public record(s) as promptly as possible and within the Right-to-Know Law's five (5) business day timeframe. If the Open Records Officer cannot do so within five (5) business days, he is permitted to exercise a 30-day extension upon notifying the requester. At the request of the Open Records Officer, the Township Solicitor may respond to the requester in writing. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original documents while taking reasonable measures to protect original documents from the possibility of theft, damage, and/or modification. The presence of the

Open Records Officer or a designated employee of the Township shall be required when public records are examined.

6. The response of the Open Records Officer, on behalf of the Township, to the requester shall: (a) grant the request in its entirety; (b) deny the request in its entirety; (c) grant part of the request and deny other portions of the request; (d) notify the requester that the request is being reviewed; or (e) notify the requester that the public record is available on the Township's website or through other publicly accessible electronic means. If the request is denied, the Open Records Officer will send the requester a letter stating 1) a description of the record requested; 2) the specific reasons for the denial, including a citation of supporting legal authority; 3) contact information for the Open Records Officer; 4) the date of the response; and 5) the procedure to appeal the denial. If all or a portion of the request is denied, the request shall be maintained for thirty (30) days or, if an appeal is filed thereafter with the Pennsylvania Office of Open Records, until a final determination is issued or the appeal is deemed denied.
7. If a written request is denied, the requester has the right to file an appeal in writing to Executive Director, Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101. Appeals of criminal records shall be made to the District Attorney of Chester County, at 201 W. Market Street, Suite 4450, West Chester, PA 19382 or by email at dacontact@chesco.org.
8. Appeals must be filed within fifteen (15) business days of the mailing date of the Township's response. Please note that a copy of the requester's original request and the Township's denial letter must be included when filing an appeal. The law requires an appeal to include reasons why the record is a public record and to address the reasons for

denial that the Township stated in its denial letter. Visit the OOR's website at www.openrecords.pa.gov for additional information on filing an appeal.

9. The Township shall post the following information on its Internet website (a) the name and contact information for the Open Records Officer, (b) contact information for the Pennsylvania Office of Open Records; (c) a link to the form the requester may use to file a request; and (d) a copy of this policy and any other procedures that may be established from time to time by the Township relating to public record requests. This policy also shall be available for review at the Township Office.

AND BE IT FURTHER RESOLVED, by the Board of Supervisors of East Coventry Township that Resolution 2008-42 adopted by the East Coventry Township Board of Supervisors on November 10, 2008 pertaining to the Township's Right-to-Know policy is hereby rescinded in its entirety and replaced by the Right-to-Know policy set forth above.

APPROVED at the public meeting of the East Coventry Township Board of Supervisors held on this 12th day of August, 2024.

**BOARD OF SUPERVISORS OF
EAST COVENTRY TOWNSHIP**

Attest:



Eugene C. Briggs, Secretary

By:



Ray Kolb, Chairman