

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

RESOLUTION NO. 02-103

A RESOLUTION OF THE MUNICIPALITY OF MONROEVILLE,
ALLEGHENY COUNTY, PENNSYLVANIA ADOPTING A POLICY FOR
IMPLEMENTATION OF ACT 100 OF 2002, THE PENNSYLVANIA RIGHT-
TO-KNOW LAW AS AMENDED.

WHEREAS, the Commonwealth of Pennsylvania has amended the Right-to-Know law via Act 100 of 2002; and

WHEREAS, Act 100 of 2002 requires that an agency establish written policies and may establish regulations necessary to implement the provisions of the Act; and

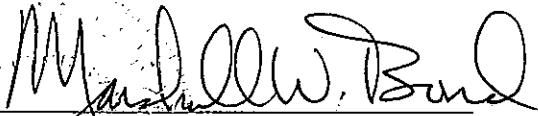
WHEREAS, the Pennsylvania League of Cities and Municipalities through its legal counsel has provided sample policies and regulation to its member municipalities; and

WHEREAS, the attached implementation policy will assist the public and the municipality in providing information in conformance with the amended law.


NOW, THEREFORE, BE IT RESOLVED in Council assembled as follows that the attached policy for implementing the amended Right-to-Know law is adopted by the Municipality of Monroeville.

ATTEST:

MUNICIPALITY OF MONROEVILLE



Marshall W. Bond
Municipal Manager



James J. Lomeo
Mayor

ENTERED INTO LEGAL BOOK: December 20, 2002

**MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA
Policy for Implementing the
Amended Right-to-Know Law**

The purpose of this policy is to assure compliance with the Pennsylvania Right-to-know Law, 65 P.S. 66.1 et seq., as amended to provide access to public records of Municipality of Monroeville, to preserve the integrity of Municipal records, and to minimize the financial impact to the residents of the Municipality of Monroeville regarding the resources utilized in the receipt and processing of public record request and the retrieval and copying of public records.

It is the policy of the Municipality of Monroeville to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Municipality of Monroeville. The Municipality designates the Municipal Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

1. The Municipal Manager may designate certain employee(s) to process public record request.
2. The Municipal Manager is responsible for minimizing, where possible, the financial impact to the Municipality of Monroeville regarding the resources utilized in the receipt and processing of public record request and the retrieval and copying of public records.
3. All requests for public records of the Municipality of Monroeville under this policy shall be specific in identifying and describing each public record requested. In no case shall the Municipality of Monroeville be required to create a public record which does not exist or to compile, maintain, format, or organize a public record in a manner in which the Municipality of Monroeville does not, current compile, maintain, format, or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Municipality of Monroeville, as attached hereto entitled "Monroeville Public Record Review/Duplication Request Application."
4. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
5. The Municipal Manager shall facilitate a reasonable response to a request for municipal public records. In no case is the Municipal Manager expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with normal administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
6. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Municipal Manager does not respond within five (5) business days of receipt thereof, the request is deemed denied.

7. The response provided by the Municipality of Monroeville shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

8. If access to the public record requested is approved, the public record shall be available for accessing during the regular business hours of the Municipality of Monroeville. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect municipal public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

9. Fees for duplication of public records shall be as followed:

- (a) Photocopying: 25 cents (\$0.25) per page.
- (b) Duplication of public electronic and/or tape records; actual cost to the Municipality of Monroeville of duplicating the public record.
- (c) Certified copies: \$1.00 per page
- (d) Postage: actual cost to the Municipality of Monroeville of mailing the public record.

The Municipal Manager may in his/her discretion waive fees.

10. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100.00, the designated employee(s) shall obtain fifty percent (50%) of the expected cost advance of fulfilling the request to avoid unwarranted expense of municipal resources.

11. If the request is being reviewed, the notice provided by the Municipality of Monroeville shall be in writing and include the reason for the review and the expected response date, which shall be within thirty (30) days of the notice of review. If the Municipality of Monroeville does not respond within thirty (30) days thereof, the request is deemed denied. Review of the request is limited to situations where:

- (a) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information;
- (b) The record requires retrieval from a remote location;
- (c) A timely response cannot be accomplished due to staffing limitations;
- (d) A legal review is necessary to determine whether the record requested is a public record;
- (e) The requester has failed to comply with the Municipality of Monroeville's policy and procedure requirements; or
- (f) The requester refuses to pay the applicable fees.

12. If access to the record requested is denied, the notice provided by the Municipality of Monroeville shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Monroeville Records."

13. If the request is denied or deemed denied, the requester may file exceptions with the Municipal Council within fifteen (15) business days of the mailing date of the Municipality of Monroeville's notice of denial, or within fifteen (15) days of a deemed denial. The exception must:

- (a) Indicate the date of the original request;
- (b) Identify and describe the record(s) requested;
- (c) State the grounds upon which the requester asserts the record(s) is a public record; and
- (d) Address and grounds stated by the Municipality of Monroeville in its notice of denial.

14. The Municipal Council shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within thirty (30) days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.

- (a) This policy shall be available for public view and information at the Municipal Center, 2700 Monroeville Boulevard, Monroeville, PA 15146, Manager's Office.
- (b) This policy shall take effect on December 31, 2002.

MUNICIPALITY OF MONROEVILLE
PUBLIC RECORD REVIEW/DUPICATION REQUEST APPLICATION

Please print Legibly.

Date of request: _____

Requester's Name: _____

Requester's Address: _____

Requester's Telephone: _____

I request review duplication (check applicable boxes) of the following records. Important: You must identify or describe the records with sufficient specificity to enable the Municipality of Monroeville to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a resident of the Commonwealth of Pennsylvania.

Signature of Requester

Date

This request may be submitted in person, by mail, or by facsimile to:

Municipality of Monroeville
Attn.: Manager's Office
2700 Monroeville Blvd.
Monroeville, PA 15146
Fax: (412) 856-3366
Phone: (412) 856-3303

To be completed by _____ :

Request No.: _____

Date Received: _____

Action Taken:

- Approved
- Denied
- Additional review

Date of approval: _____
Date notice mailed: _____
Date notice mailed: _____

MUNICIPALITY OF MONROEVILLE
DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE

Date of Denial: _____

Requester's Name: _____

Requester's Address: _____

Re Denial of Request to Review and/or Duplicate _____
Request No.: _____
Date of Request: _____

Dear Mr. /Mrs./Ms. _____:

Please be advised that your request to review/duplicate (strike out inappropriate request) the following records:

has been denied for the following reason(s):

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must either:

1. Within fifteen (15) days of the notice of denial or deemed denial, file exceptions with Municipal Council in accordance with their right-to-know law policy.

If you file exceptions, the Municipality of Monroeville has thirty (30) days in which to respond to your exceptions, unless extended by the parties. The Municipality of Monroeville may decide to conduct a hearing within that time to assist in the make of the decision.

-OR-

2. Within thirty (30) days of the notice of denial, or within thirty (30) days of the Municipality of Monroeville's final decision (in the event that you have filed exceptions), file a petition for review in the Allegheny County Court of Common Pleas or bring an action in the local District Magistrate's office.