

ORDINANCE NO. 708

AN ORDINANCE ENACTING AN OPEN RECORDS POLICY OF THE BOROUGH OF CHURCHILL

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Churchill as follows:

PURPOSE:

The purpose of this policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Churchill Borough; to preserve the integrity of Churchill Borough's records; and to minimize the financial impact to the residents of the borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval of copying of public records.

DESIGNATED OPEN RECORDS OFFICER:

It is the policy of the Borough 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 Borough. Churchill Borough designates the Borough Manager as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

- A. The Borough Manager may designate certain employee(s) to process public record requests.
- B. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
- C. All requests for public records of the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough 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 Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.
- D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
- E. The Borough shall facilitate a reasonable response to a request for Churchill Borough's public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Borough's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
- F. The designated employee shall respond to the requester within five (5) business days from the date of receipt of the written request. If the Borough does not respond within five (5) business days of receipt thereof, the request is deemed denied.
- G. The response provided by the Borough 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.
- H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect Borough 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.
- I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Borough may at its discretion waive fees.

Churchill Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. Effective Date. This Ordinance shall become effective January 1, 2009.

ORDAINED AND ENACTED this 11th day of November, 2008 by the Council of the Borough of Churchill in lawful session duly assembled.

BOROUGH OF CHURCHILL

By _____

President of Council

ATTEST:


Borough Secretary

EXAMINED AND APPROVED this 11th day of November, 2008.


Mayor