

OFFICIAL

**BOROUGH OF FORD CITY
RESOLUTION NO. 10- 2024**

A RESOLUTION OF COUNCIL, BOROUGH OF FORD CITY, ARMSTRONG COUNTY, PENNSYLVANIA, ESTABLISHING A POLICY CONTAINING PROCEDURES FOR THE REQUEST AND REVIEW OF PUBLIC RECORDS PURSUANT TO AND IN ACCORDANCE WITH THE PENNSYLVANIA RIGHT-TO-KNOW LAW, 65 P.S. §§ 67.101-67.3104, AS AMENDED.

WHEREAS, Council of the Borough of Ford City (“Borough”) desires to establish a written policy including the procedure for the request and review of public records pursuant to, and in accordance with, the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-67.3104, as amended (“RTKL”); and

WHEREAS, the Borough adopts this policy pursuant to Section 504(a) of the RTKL, 65 P.S. § 67.504(a); and

WHEREAS, in accordance with Section 504(b) of the RTKL, 65 P.S. § 67.504(b), the Borough will make this policy available to the public at its administrative office and on its public website.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Ford City hereby resolves as follows, placing into immediate effect the Right-to-Know Law Policy identified below, and incorporating the above recitals by reference:

SECTION 1. Right-to-Know Law Policy.

1) Definitions. All the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

(1) Business Day. The regular business hours of the Borough are Monday through Friday from 8:00 am to 4:00 pm. Business days exclude Saturday and Sunday and any weekday on which the Borough is closed for business.

2) Borough Website. The Borough maintains a public website at www.fordcityborough.org. Many of the records most commonly requested from the Borough are available on the website. The following information is also posted on the Borough’s website: Borough Open Records Officer (“ORO”) contact information; contact information for the Pennsylvania Office of Open Records (“OOR”) and any other applicable appeals officer; a form which may be used to file a RTKL request with the Borough; and a copy of this Policy. *See* 65 P.S. § 67.504(b).

3) Submitting a RTKL Request to the Borough.

- (1) *Open Records Officer.* The Borough has designated an ORO to respond to RTKL requests.

The contact information for the ORO is: Charles Stull, ORO

By Mail: PO Box 112
Ford City, PA 16226

In Person: 1000 4th Ave
Ford City, PA 16226

Phone: 724-763-3081

Fax: 724-763-3080

Email: fcboromgr@gmail.com

The contact information for the ORO is posted on the Borough website.

- (2) *Request.* Requests must be submitted in writing using the RTKL Uniform Request Form available on the Borough website and must be addressed to the ORO. If a requester chooses not to use the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means that the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Borough to locate requested records and determine whether those records are public, requests for records should be specific and concise and clearly identify, as precisely as possible, the records sought. *See* 65 P.S. § 67.703. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies, or by inspection. A requester should retain a copy of the request, as a copy of the request is necessary should a requester appeal the Borough response.

- (3) *Verbal Requests.* The Borough will not respond to verbal requests for records. All requests for records shall be submitted in writing on the Borough's RTKL Uniform Request Form.

- (4) *Anonymous Requests.* The Borough will not respond to anonymous requests for records.

4) Borough Response to RTKL Requests.

- (1) *Receipt of the Request.* For the purpose of calculating the response deadline, the Borough is deemed to have received the request on the business day that the ORO receives the request. *See* 65 P.S. § 67.901. Any request that is received

by the Borough after the close of regular business hours shall be deemed to be received on the next business day. If the request is received by a Borough employee other than the ORO, the request will be forwarded to the ORO as soon as practical.

- (2) *Response Period Generally.* The Borough has five (5) business days from the day that the ORO receives the request for records to respond. If the Borough does not respond, the request is considered “deemed denied” and a requester’s appeal rights commence.
- (3) *Extension of Time for Response.* The Borough is permitted to take an additional thirty (30) calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL. *See* 65 P.S. § 67.902. If the Borough invokes an extension, the Borough will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.
- (4) *Requester’s Agreement to Extend the Response Period.* The requester may agree, in writing, to extend the Borough response period beyond the extension periods the Borough is permitted to invoke under the RTKL. *See* 65 P.S. § 67.902(b)(2). The requester must agree to the extension during the Borough’s initial five (5) business-day response period or the Borough’s extended thirty (30) calendar day response period if the Borough has invoked one.
- (5) *Final Response.* The Borough may grant a request, partially grant and partially deny a request (through redaction or otherwise), or deny a request in its entirety. The final response of the Borough will be in writing. Should the Borough fail to issue a response within the applicable response period, the request is deemed denied and the requester’s appeal rights commence. *See* 65 P.S. § 67.901.
 - A) *Granting Access to Records:* The Borough may grant a request for records by issuing a response: (1) granting access to inspect Borough records during the Borough’s regular business hours; (2) sending copies of the records to the requester; or (3) by notifying the requester that the records are available on the Borough website or other publicly accessible electronic means. *See* 65 P.S. §§ 67.701(a), 704.
 - B) *Denying or Partially Denying Access to Records:* Should the Borough deny or partially deny a request for records through redaction or otherwise, the Borough will inform the requester of the denial or partial denial in writing. The response will describe the requested records, inform the requester that the Borough does not possess the responsive records, or if the records are exempt from public access, provide a citation to the relevant legal basis for withholding the requested records. *See* 65 P.S. § 67.903. Additionally, the response will provide the name, signature, title, business address and telephone number of the Open

Records Officer who denied the request, as well as the date of the response and the procedure to appeal the denial. *See* 65 P.S. § 67.903.

- (6) *Fees.* The Borough will charge fees consistent with the RTKL Fee Structure, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. The Borough may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

5) RTKL Appeals.

- (1) *Generally.* To challenge the denial, partial denial, or deemed denial of a request for Borough records, an appeal may be filed using the OOR appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the OOR at the following address:

**Office of Open Records
Commonwealth of Pennsylvania
333 Market St., 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov**

- (2) *Requirements of an Appeal.* All appeals must be filed within fifteen (15) business days of the mailing date of the Borough's denial, the mailing date of the Borough's partial denial, or the deemed denial of the request. All appeals must be in writing; must state the grounds upon which the requester asserts that the requested records are public records; must address any grounds stated by the Borough for denying the request; and must include a copy of the request and the Borough's response, if any. *See* 65 P.S. § 67.1101(a)(1).
- 6) Record Retention. Once a RTKL request is received, the Borough shall maintain, preserve, retain, protect, and not destroy any and all records, both electronic and hard copy, that are potentially responsive to the request until such time as the request is fulfilled and all associated appeals are resolved.
- 7) Additional Information about the RTKL. Additional information about the RTKL, the request process, and the appeal process is available on the OOR website at <https://www.openrecords.pa.gov>.

SECTION 2. Nothing contained in this Resolution is meant to restrict or diminish the authority vested in Borough Council by the Borough Code, the Right-to-Know Law, or other state or federal law. To the extent anything contained in this Resolution conflicts with any provision of the Borough Code, Right-to-Know Law, or other state or federal law, the Borough Code, Right-to-Know Law, or other state or federal law shall control.

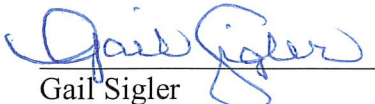
SECTION 3. All prior resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 4. This Resolution shall take effect immediately, unless otherwise provided by applicable law.

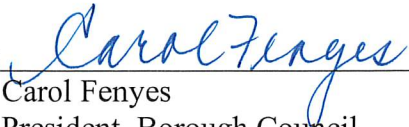
RESOLVED AND APPROVED this 25th day of March, 2024 by the Council of the Borough of Ford City in lawful session duly assembled.

ATTEST

BOROUGH OF FORD CITY



Gail Sigler
Borough Secretary

By: 

Carol Fenyes
President, Borough Council

(SEAL)