

RESOLUTION NO. 2008-08-10-01

**RESOLUTION OF NORRISTOWN MUNICIPAL WASTE AUTHORITY
SETTING RULES FOR COMPLIANCE WITH THE PA RIGHT TO KNOW LAW**

WHEREAS, Senate Bill No. 1 (Act 3) was signed into law by Governor Edward G. Rendell on February 14, 2008. This legislation is effective January 1, 2009 and is called the "Right-to-Know Law"; and

WHEREAS, public records shall be accessible for inspection and duplication during regular business hours in the medium requested, if said public records exist in the requested medium and if the public records are not exempt and/or privileged pursuant to the Right-to-Know Law.

WHEREAS, requests for public records from the Norristown Municipal Waste Authority ("Authority") shall be governed by this Resolution and the aforementioned Pennsylvania Right-to-Know Law.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

SECTION 1. INFORMATION REQUEST FORM

A requester of records shall complete an information request form provided by the Office of Open Records and/or the Authority and shall state the records being requested with sufficient specificity.

SECTION 2. OPEN RECORDS OFFICER

The Authority hereby designates the Executive Director of the Authority as the Open Records Officer in accordance with the Pennsylvania Right-to-Know Law and said Open Records Officer shall receive requests submitted to the Authority under the Right-to-Know Law, direct requests to other appropriate persons within the Authority or to appropriate persons in another agency; track the Authority's progress in responding to requests; and issue interim and final responses.

SECTION 3. ACCESS REQUESTS

If a requested record contains both public record information as well as non-public record information, the Authority may redact the non-public information from the record.

SECTION 4. ACCESS TIME FOR RESPONSE EXCEPTIONS

Upon receipt of a written request for access to a public record, the Authority shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time of the request. The response shall not exceed five (5) business days from the date of written request. The failure of the Authority to respond in the designated time frame is equivalent to the denial of the request with the following exceptions:

1. Request requires the redaction of information within a public record; or
2. Request requires the retrieval of the document from a remote location; or
3. Timely response cannot be accomplished due to legitimate staffing limitations; or
4. Legal review is necessary; or
5. Requester did not comply with the Authority's policies regarding public access; or
6. Requester refuses to pay fees; or
7. Extent or nature of the request precludes a response within the required time period.

If one or more of the above exceptions apply, the Authority shall send written notice to the requester within five (5) business days of the request stating the request is being reviewed, the reason for the review and the exception that applies, the expected response date and an estimate of applicable fees owed when the record becomes available. If a response is expected more than thirty (30) days after the five-day period, the request is deemed denied unless otherwise agreed to by the requester in writing.

SECTION 5. DENIAL OF ACCESS

If the request is denied, the following will be included with the denial:

1. Description of the record requested;
2. Specific reasons for the denial, including a citation of supporting legal authority;
3. Typed or printed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial was issued;
4. Date of response;
5. Appeal procedure.

SECTION 6. APPEAL PROCEDURE

If the request is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under the Pennsylvania Right-to-Know Law within fifteen (15) business days of the mailing date of the Authority's response or deemed denial. The Appeal shall proceed in accordance with the Pennsylvania Right-to-Know Act. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Authority for denying or delaying the request.

SECTION 7. FEES

Paper copies will be charged at the rate of \$.25 per page. If mailing is requested, the cost of postage will be charged. If the record is available on a disk, it will be provided by the Authority at the cost of One Dollar (\$1.00) per disk. A new disk will be necessary each time records are provided. If the Authority determines that the total fees will exceed Fifty Dollars (\$50.00), the Authority will require prepayment.

SECTION 8. SEVERABILITY

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of the Board members that the remainder of the Resolution shall remain in full force and effect.

SECTION 9. REPEALER

All resolutions or parts of resolutions, which are inconsistent herewith, are hereby repealed as of the effective date set forth below.

SECTION 10. EFFECTIVE DATE

This Resolution shall become effective on January 1, 2009.

APPROVED AND ADOPTED this 22ND day of October 2008.

NORRISTOWN MUNICIPAL WASTE AUTHORITY

By: Elizabeth D. Lopez
Chairperson

ATTEST: [Signature]
Secretary