

RESOLUTION NO.

AMENDING RESOLUTION NO. 98-00 Washington County, Pennsylvania

WHEREAS, the Pennsylvania Right to Know Act, 65 P.S. §66.1, et seq., (the "Act") requires public access to certain enumerated governmental documents; and,

WHEREAS, the Act permits a governmental body to promulgate rules and regulations for providing public access to said documents.

NOW, THEREFORE, BE IT RESOLVED by the Washington County Board of Commissioners as follows:

1. Requests to review and inspect public documents subject to the Pennsylvania Right to Know Act shall be made in writing on a form available from the Chief Clerk and shall be addressed to the Solicitor's Office at 702 Courthouse Square, 100 West Beau Street, Washington, PA 15301. All requests must be signed by the individual making the request, and must include a mailing address and phone number for replies. A sample copy of this form is also attached to this Resolution as "Attachment A"; however, the form maybe changed from time to time without subsequent Resolution.

2. The County shall make reasonable efforts to make the requested documents available for inspection within five (5) working days of the request. If the County is unable to meet this time requirement, the County shall so notify the requesting

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individual before the expiration of the five (5) working day period.

3. Nothing herein shall be construed to require the County to make copies of any records as long as the County provides access to said records in a manner consistent with the Act. Nevertheless, the County may elect to make and to provide copies of requested documents. Fees for this service are itemized in Paragraph 10.

4. For the convenience of the public, duplication equipment is available for use by the requester at a nominal charge based upon prevailing fees for comparable duplication services provided by local business entities. County duplication fees are itemized in Paragraph 10.

5. A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.

6. Additionally, some County offices may make its public records available through any publicly accessible electronic means. If access to a public record is routinely available only by electronic means, the County shall provide access to inspect the public record at that office.

7. If a public record is only maintained electronically or in other nonpaper media, the County shall, upon request, duplicate the public record on paper when responding to a statutorily authorized request for access.

8. Nothing herein shall be construed to require the County to compile reports or summaries of any records requested pursuant to the Act, as long as the County permits public access to said records.

9. Generally, requests for records shall be addressed in the order received.

10. Fees charged for duplication of County documents are limited by the Act to amounts which are reasonable and consistent with prevailing fees for comparable duplication services provided by local business entities. Accordingly, the County will charge the following fees:

- a. Postage: The actual cost of mailing
- b. Photocopying: 25 cents per page
- c. Printing from electronic media: \$1.00 per page
- d. Copying from Microfilm: 50 cents per page
- e. Transmission by facsimile: No direct charge; however, this cost may be included as a factor in determining the cost for certification of a record.
- f. Transmission by electronic media: No charge
- g. Certification of record if certification has been requested for the purpose of legally verifying the public record: The cost for this service varies, depending upon the type of certification

requested. Fee inquiries should be addressed to the Department responsible for providing the certification.

- h. Conversion to paper: If the requested record is maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the native media unless the requester specifically requests for the public record to be duplicated in the more expensive medium.
- i. Download to disc: If the requested record is maintained electronically and able to be downloaded to compact disc, requester may choose to accept the record in this medium. The cost for this service varies, depending upon the size and type of the file record being requested.
- j. Enhanced electronic access: If a County department offers enhanced electronic access to public records in addition to making the public records accessible for inspection and duplication by a requester as required by the Act, the Department may establish user fees specifically for the provision of the enhanced electronic access. The user fees for enhanced electronic access may be: a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access, or any other reasonable method which may

be developed by the Department. The user fees for enhanced electronic access must be reasonable and may not be established with the intent or effect of excluding persons from access to public records or duplicates thereof or of creating profit for the Department or County.

k. Waiver: The County may waive the fees for duplication of a public record in certain situations including, but not limited to, when

(1) the requestor personally duplicates the public record; or

(2) the County deems it is in the public interest to do so.

l. Prepayment: Prior to granting a request for access in accordance with the Act, the County may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

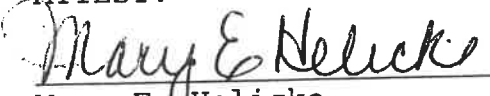
11. The fee limitations listed above shall not apply to the Washington County Courts, related offices, or row offices because: records in these offices may not be subject to the Act; may be determined by other statutes; or may be excluded from the definition of "public record" by statute or caselaw.

12. This policy shall be conspicuously posted in all County offices affected by it.

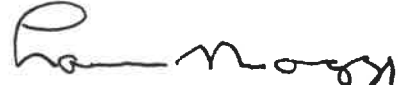
RESOLVED by the Board of Commissioners of Washington
County, Pennsylvania this 25th day of August, 2005.

WASHINGTON COUNTY BOARD OF COMMISSIONERS

ATTEST:


Mary E. Helicke,
Chief Clerk


Bracken Burns, Co-Chairman


Larry Maggi, Co-Chairman


Diana L. Irely, Commissioner

Approved as to form and legality:

per minute # 773
dated August 25, 2005

By:


J. Lynn DeHaven,
Solicitor