BOROUGH OF LANGHORNE

RESOLUTION

#2023-7

RESOLUTION OF THE BOROUGH OF LANGHORNE, BUCKS COUNTY, PENNSYLVANIA, APPOINTING THE BOROUGH MANAGER AS THE AGENCY OPEN RECORDS OFFICER AND ESTABLISHING AN OPEN RECORDS POLICY UNDER PENNSYLVANIA'S RIGHT-TO-KNOW LAW

WHEREAS, the Pennsylvania General Assembly enacted Act 3 of 2008, Pennsylvania's Right-to-Know Law, 65 P.S. §67.101, *et seq.* ("RTKL") which, pursuant to 65 P.S. §§67.502(a), 67.504(a), requires a local agency to designate an Agency Open Records Officer and permits a local agency to promulgate an Open Records Policy to implement the provisions of the RTKL; and,

WHEREAS, the Borough of Langhorne wishes to appoint and designate the Borough Manager as the Agency Open Records and create an Open Records Policy.

NOW THEREFORE, be it **RESOLVED** that the Council of the Borough of Langhorne hereby approves and adopts the following:

OPEN RECORD POLICY OF THE BOROUGH OF LANGHORNE

SECTION 1: PURPOSE. The purpose of this policy is to assure compliance with Pennsylvania's Right-to-Know Law, and: to provide access to the public records of Langhorne Borough; to preserve the integrity of Langhorne 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 and copying of public records.

SECTION 2: AUTHORITY. Langhorne Borough adopts this policy pursuant to the RTKL, 65 P.S. §67.504(a). This policy shall be made available to the public at its administrative office and on its public website, along with the RTKL Uniform Request Form. *See* 65 P.S. § 67.504(b)

SECTION 3: DEFINITIONS. All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. §67.102. In addition, the following definitions shall apply:

***Agency Open Records Officer ("AORO")*:** The Agency Open Records Officer designated by Langhorne Borough.

***Business day*:** The regular business hours of Langhorne Borough are Monday through Thursday, from 9:00 AM to 3:00 PM. Business days exclude Friday, Saturday and Sunday and a weekend on which the Borough office is closed for business due to a holiday.

SECTION 4: DESIGNATION OF AGENCY OPEN RECORDS OFFICER. Langhorne Borough appoints and designates the Borough Manager as the AORO, responsible for assuring compliance with the RTKL. The AORO may designate Borough employees, as needed, to assist in processing public record requests. Further, the presence of the AORO or a designated employee is required when public records of Langhorne Borough are examined or inspected.

The AORO is responsible for minimizing, where possible, the financial impact to Langhorne Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of the public records.

The AORO shall charge reasonable fees for the duplication of Langhorne Borough's public records. The Borough may, in its discretion, choose to waive some or all of the fees owed on a case-by-case basis.

SECTION 5: AGENCY WEBSITE. Langhorne Borough maintains a public website at https://langhorneborough.com/ . The following information shall also be posted on Langhorne Borough's website: AORO contact information; contact information for the Office of Open Records ("OOR") and the applicable (and current) appeals officer for requests involving criminal records; the RTKL Form to be used to file a RTKL request; and a copy of this policy. *See* 65 P.S. § 67.504(b) (relating to agency posting requirements under the RTKL).

SECTION 6: SUBMITTING A RTKL REQUEST TO LANGHORNE BOROUGH.

The contact information and mailing address for the Langhorne Borough's AORO is:

Langhorne Borough Open Records Officer (or Langhorne Borough AORO)
114 E. Maple Avenue
Langhorne Borough, PA 19047

The contact information for the AORO, and directions for electronically submitting a RTKL request, shall also be posted on the Agency website.

A. Request.

Requests should be submitted in writing using the RTKL Uniform Request Form available at the Langhorne Borough Office and on the Borough's website and should be addressed to the AORO. *See* 65 P.S. §67.703. If a requester chooses not to use the request form, the request should clearly indicate that it is seeking records under the RTKL.

To allow the AORO 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 also should clearly indicate the preferred method of access – paper copies, electronic copies or by inspection.

Requesters should retain a copy of the request for their file, as a copy of the request is necessary should a requester appeal the Borough's response.

B. Receipt of the request.

For the purpose of calculating the response deadline, Langhorne Borough is deemed to have received the request on the business day that the AORO 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 AORO, the request will be forwarded to AORO as soon as practical.

C. Verbal requests.

Langhorne Borough will respond to verbal requests for records at its discretion. However, Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.

D. Anonymous requests.

Langhorne Borough will not respond to anonymous requests for records.

SECTION 7: AGENCY RESPONSE

A. Response period generally.

Langhorne Borough's AORO has 5 business days to respond to a request for records under the RTKL. If the AORO does not respond, the request is considered "deemed denied," and a requester's appeal rights commence.

B. Extension of time for response.

Langhorne Borough's AORO is permitted to take an additional 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 AORO invokes an extension, the AORO will inform the requester in writing, in accordance with the requirements set forth in Section 902(b)(2) of the RTKL.

SECTION 7: REPEALER

That any Resolution, or part of Resolution, conflicting with this Resolution be and the same is hereby repealed insofar as the same affects this Resolution.

SECTION 8: SEVERABILITY

If any sentence, clause, section, or part of this Resolution is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution. It is hereby declared as the intent of the Langhorne Borough Council that this Resolution would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 9: EFFECTIVE DATE

This Resolution shall become effective immediately.

RESOLVED AND DULY ADOPTED this 10th day of May, 2023, by the Council of the Borough of Langhorne, Bucks County, Pennsylvania.

BOROUGH OF LANGHORNE

BY: _____
PAUL MURDOCK
PRESIDENT OF COUNCIL

ATTEST: _____
SECRETARY

EXAMINED AND APPROVED this 12 day of May, 2023:

BY: _____
JOE TAYLOR
MAYOR

ATTEST: _____
SECRETARY