

Philadelphia Land Bank

Board Meeting

February 12, 2015 3:30 p.m.

1234 Market Street, 17<sup>th</sup> Floor Boardroom

Agenda

1. Roll Call
2. Public Comment (Three minutes per speaker)
3. Approval of minutes from January 26, 2015 meeting
4. Progress Report
5. Approval of Revised budget for fiscal year ending June 30, 2015
6. Contract for services: Micro Implementation Training, Inc.
7. Adoption of Open Records/Right to Know Policy - See Attached
8. Adoption of Public Comment Policy - See Attached
9. Adjourn

## Open Records Policy— Philadelphia Land Bank

Effective January 2015

The Philadelphia Land Bank (the “Land Bank”) has adopted a policy to comply with the Commonwealth's Act 3 of 2008, 65 P.S. §§ 67.101 *et seq.*, commonly known as the "Right to Know Law." With certain exceptions, members of the public have the right to inspect and/or copy such records upon request.

### 1. Definitions

- a. Right to Know Law (or Open Records Law).** Act 3 of 2008, 65 P.S. §§ 67.101 *et seq.*, commonly known as the Right to Know Law ("Law").
- b. Business day.** Monday through Friday during regular business hours<sup>1</sup>, except those days when the offices of the Land Bank are closed for all or part of a day:
  - i. due to a federal/state/city holiday;
  - ii. due to natural or other disaster; or
  - iii. due to the request or direction of local, state, or federal law enforcement agencies or officials.
- c. Public Record.** Any document that satisfies the general definition of "public record" set forth in the Law and does not fall within any of the exceptions set forth therein, as the definition and exceptions are amended from time to time and as the definition and exceptions are interpreted by state, federal and/or local courts.
- d. Open Records Officer.** Any official or employee of the Land Bank who is officially assigned responsibility for receiving, tracking and responding to requests for information under the Right to Know Law. The Land Bank may designate a Deputy or Secondary Open Records Officer to act in the absence of an Open Records Officer.
- e. Requester.** A person who requests a record under the Right to Know Law.
- f. State Office of Open Records.** The State Office, under the Department of Economic and Community Development, as explained in §1310 of the Right to Know Law. The Office of Open Records shall be responsible for many duties, which include (but are not limited to): issuing advisory opinions, training agencies and public employees, assigning appeals officers to review decisions and conducting a biannual review of fees allowed under the Law.

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<sup>1</sup> 8:30 AM – 5:00 PM

## 2. Open Records Officer

The Open Records Officer for the Land Bank is:

Nicholas J. Scafidi, Esquire  
General Counsel  
Philadelphia Land Bank  
1234 Market Street, 17th Floor  
Philadelphia, PA 19107

215.448-3115 (t)  
[nicholas.scafidi@phila.gov](mailto:nicholas.scafidi@phila.gov)

The Secondary Open Records Officer for the Land Bank is:

John Carpenter  
Philadelphia Land Bank  
1234 Market Street, 17th Floor  
Philadelphia, PA 19107

215.209-8630 (t)  
[john.carpenter@phila.gov](mailto:john.carpenter@phila.gov)

Please note that the City of Philadelphia and some independent elected officials, including the District Attorney's Office and City Controller's Office, may have their own separate and distinct policies. You should contact their respective websites for information specific to their offices, including information concerning their respective open records officers.

## 3. Procedure

The Law requires that the Land Bank act upon each non-anonymous written request when such request is made in person, by mail, by facsimile or by e-mail. The Law does not require that the Land Bank act upon an oral request, and the Land Bank shall refuse to accept oral requests. Furthermore, the Law does not require that the Land Bank act upon an anonymous request, and the Land Bank will refuse to honor an anonymous request.

Pursuant to the Law, the State Office of Open Records has created and published on its website a standard statewide form which must be accepted by the Land Bank for the filing of a request. (<http://openrecords.state.pa.us/portal/server.pt>). Effective February 1, 2012, the Land Bank will require the standard statewide form be used for the submission of Right to Know requests, and will not consider a request to be a written request pursuant to the Right to Know Law unless the request is submitted on or with the standard statewide form. Beginning February 1, 2012, the Land Bank will consider any request not submitted on or with the standard statewide form to be an informal request not subject to the Right to Know Law<sup>2</sup>. If a requester submits a request on or with the standard statewide form after submitting an informal request for the same (or similar) records, the Land Bank will

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<sup>2</sup> The Land Bank reserves the right, at its sole discretion, to use the Right to Know Law as guidance in responding to informal requests for records and/or information.

consider the informal request to have been withdrawn. The Land Bank reserves the right, at its sole discretion, to require a written request pursuant to the Right to Know Law before releasing records. A copy of the standard statewide form appears at the end of this policy.

The Law sets forth various specifications for the contents of a written request. To qualify as a written request under the Right to Know Law and the Land Bank Open Records Policy the request must (a) be directed to the appropriate Open Records Officer designated above, (b) be submitted on or with the standard statewide form, and (c) contain, at a minimum, the following information:

- i. name of requester;
- ii. address of requester; and
- iii. records being sought, identified or described with sufficient specificity to allow the Land Bank to ascertain which records are being requested.

Under the Law, the Land Bank has a duty to make a good faith effort to determine if the record(s) requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request; this time shall not exceed five (5) business days from the date the request is received by the Land Bank's Open Records Officer. The Law provides that either a final or interim response be provided to the requester within five (5) business days from the date of receipt by the Land Bank. If the Land Bank fails to respond within this five (5) day time period, the Open Records Request is deemed denied.

The Law and the Land Bank's policy contemplate that requesters will receive a response within five (5) business days. The Law, however, does provide the Land Bank with specific reasons that may be invoked to receive a single extension of time which shall not exceed thirty (30) calendar days. If an extension is invoked and no response is provided to the requester within the thirty (30) day time period, the Open Records Request is deemed denied. Additionally, should the Land Bank notify the requester it needs more than the maximum thirty (30) day extension, the request is deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Land Bank has not provided a response by that date.

The Land Bank's final response to a request will do one of the following:

- i. grant the request;
- ii. deny the request;
- iii. grant the request in part and deny the request in part; or
- iv. grant the request and redact part of the information provided pursuant to the Law and/or other applicable federal, state and local law.

#### 4. Appeals of Denied Requests

If a request for access to a record is denied (in whole or in part) or deemed denied, the requester may file an appeal with the State Office of Open Records within fifteen (15)

business days of the mailing date of the Land Bank's denial. The appeal should state the grounds upon which the requester asserts the items requested are public and/or financial records under the Law; the appeal shall also address any grounds stated by the Land Bank for denying the request. Appeals to the State Office of Open Records should be directed to the following address: Commonwealth of Pennsylvania, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

Unless the requester agrees otherwise, the State Office of Open Records Appeals Officer shall make a final determination which shall be mailed to the requester and the Land Bank within thirty (30) days of receipt of the appeal. Should the Appeals Officer fail to issue a ruling within thirty (30) days, the appeal is deemed denied.

Before a final determination is issued, a hearing may be held. The determination by the Appeals Officer shall be a final order. The Appeals Officer shall provide a written explanation of the reasons for the decision to the requester and the Land Bank.

Within thirty (30) days of the mailing date of the final determination of the Appeals Officer, a requester or the Land Bank may file a petition for review or other document(s) as required by rule of court with the Philadelphia Court of Common Pleas.

#### 5. Fees and Charges

Fees for duplication of records have been established and posted by the State Office of Open Records. The Land Bank will charge fees consistent with the State Office of Open Records regulations.

The Land Bank reserves the right to impose additional fees if it incurs costs for complying with a request pursuant to the Right to Know Law; such additional fees, when charged, must be reasonable. This includes, but is not limited to, fees for enhanced electronic access and certified copies of documents.

#### 6. Written Policies and Regulations

The Land Bank shall retain the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law, as amended from time to time, that it deems to be necessary or prudent.



Pennsylvania  
OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: \_\_\_\_\_

REQUEST SUBMITTED BY:  E-MAIL  U.S. MAIL  FAX  IN-PERSON

REQUEST SUBMITTED TO (Agency name & Address): \_\_\_\_\_

NAME OF REQUESTER: \_\_\_\_\_

STREET ADDRESS: \_\_\_\_\_

CITY/STATE/COUNTY (Required): \_\_\_\_\_

TELEPHONE (Optional): \_\_\_\_\_ E-MAIL (Optional): \_\_\_\_\_

RECORDS REQUESTED: *\*Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DO YOU WANT COPIES? YES or NO  
DO YOU WANT TO INSPECT THE RECORDS? YES or NO  
DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

***FOR AGENCY USE ONLY***

RIGHT TO KNOW OFFICER: \_\_\_\_\_

DATE RECEIVED BY THE AGENCY: \_\_\_\_\_

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: \_\_\_\_\_

*\* Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

**PHILADELPHIA LAND BANK**  
**POLICY ON PUBLIC COMMENT**

The Board recognizes its obligation under the Commonwealth’s Sunshine Act to allow public comment on matters under deliberation at each public Board meeting and welcomes and encourages such public comment. The Board also recognizes its responsibility for proper governance of the Land Bank and the need to conduct its business in an orderly and efficient manner. Accordingly, the Board hereby adopts this Policy to govern public participation in Board meetings.

1. At each meeting of the Board, opportunity shall be provided for residents of the City of Philadelphia (the “City”), taxpayers of the City and other interested parties to comment on actions and resolutions that are listed on the agenda for that meeting of the Board prior to official action by the Board.
2. Those who wish to provide public comment shall be limited to three (3) minutes, or such other time period as the Chair may announce. The Chair may place additional reasonable limitations on public comment to permit the Board to conduct its meetings and to maintain order, including limiting repetitious comments.
3. Land Bank staff shall maintain a list of persons who have requested the opportunity to provide comment at the next scheduled meeting of the Board. Persons wishing to be placed on the list should provide notice using the Land Bank’s website. Anyone may ask to be added to the list on the day of a Board meeting. Generally, public comment shall be received in the order in which persons appear on the list; however, depending on the topic to be addressed, the Board Secretary may place the individual either at the beginning or end of the agenda.

4. Once the list is exhausted, the Chair shall ask if any other person wishes to provide public comment, and if there is no response, the opportunity for public comment at that meeting shall be closed.
5. Individuals seeking to speak must be recognized by the Chair. Before providing comment, the individual shall state his or her name, address, group affiliation, if applicable, and the subject to be addressed.
6. If in the Chair's judgment there is not sufficient time at a meeting for public comment, the Chair may announce that the public comment period will be deferred to the next Board meeting, provided that no action shall be taken on a resolution unless there was an opportunity for public comment prior to official action on that resolution.
7. The Board shall provide an opportunity at the end of each open meeting for public comment on other Land Bank matters that are not scheduled for official action. This segment of each Board meeting shall be a maximum of thirty (30) minutes per public meeting.