

VILLAGE OF FRIENDSHIP HEIGHTS

VILLAGE COUNCIL

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THE VILLAGE OF FRIENDSHIP HEIGHTS RULES AND REGULATIONS FOR ACCESS TO PUBLIC RECORDS

INTRODUCTION

The Village Council supports the general policy of the State of Maryland to provide access to information about the affairs to Government and the official acts of public officials and employees.

The Village Manager is considered the official custodian of Village records and administers reasonable rules or regulations to govern timely production and inspection of public records as promulgated by the Village Council.

I. GENERAL

Persons requesting to inspect or obtain copies of records are required to identify themselves for the purpose of allowing the Village to contact the applicant, and may be required to sign a written application for the request and an acknowledgment that particular record has been requested or a copy received.

Village employees should attempt to honor the request when it is made. If a record is found to be responsive to a request and is recognized to be immediately open to inspection, it must be produced promptly after receipt of the written request. However, in order not to disrupt Village business unduly, a request may be held for a period not to exceed 30 days, during which period the custodian shall either provide the record involved or deny the request under the provisions of the General Provisions Article of the Annotated Code of Maryland. This 30-day period is a maximum and Village employees are expected to proceed as promptly as is reasonable and to confer with the applicant as to a convenient time to inspect or receive a copy of any records if the request cannot be honored when made.

If a record is found to be responsive to a request, but cannot be produced within 10 working days, the requestor must be notified in writing (or by e-mail) within 10 working days

after the request, of the following: (1) the amount of time it may take to produce the record; (2) an estimate of the range of fees that may be charged, and; (3) the reason for the delay.

When a request is denied, the applicant must be notified immediately, and a written statement must be provided to the applicant within 10 working days stating the following: (1) the reason for denial; (2) why the denial was necessary, with respect to any denial of a part of a record; (3) the legal authority for the denial; (4); without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial; and (5) notice of the remedies under the Maryland Public Information Act for review of the denial. With the consent of the applicant, any time limit imposed under the Act may be extended for not more than 30 days.

Except as otherwise provided in these rules and regulations, the following records are designated to be made available to any applicant immediately on request:

- Recent Council meeting agendas
- Recent Council meeting minutes
- Recent Village newsletters
- Most recent Annual Report
- Most recent Treasurer's Report
- Current Village regulations
- Most recent census data

II. MINUTES

Requests to inspect or obtain minutes of open meetings of the Council or any committee shall generally be honored when made, unless the pertinent minute book is temporarily unavailable or staff is otherwise occupied. Persons inspecting minutes shall be required to sign an acknowledgment as to the fact of inspection.

III. COPIES AND FEES

There will be no charge for the first two hours required searching for and preparing a record for inspection. Fees for photocopying are \$.20 per page, payable on delivery.

For time in excess of two hours to search and prepare records for inspection, the applicant shall pay a sum for the excess time based upon the hourly wage of the Village Manager. If an employee believes that more than two hours will be required to search for and prepare records, the employee shall promptly advise the applicant of that fact and provide the applicant with an estimate of the anticipated cost. Attorney review costs for the Village attorney's time in reviewing records in response to a request may be charged. Additional fees may apply for the production of a public record in a customized format prepared at the request of an applicant. Charges are payable when the records are available for inspection.

IV. DENIALS

State law requires that certain records not be disclosed. As applied to the Village this includes (but is not limited to) letters of reference and retirement and personnel records.

Portions of certain records must also be withheld. These include (but are not limited to) the address or phone number of an employee and any financial information concerning an individual other than the salary of a public employee.

Access to other records may be denied. This includes agency letters or memoranda that would not be discoverable in litigation, certain property appraisals and investigative records of police or other privileged records such as correspondence from attorneys.

A temporary denial may be issued if the custodian believes that inspection would cause substantial injury to the public interest.

Interested persons must review State law for the complete text of matter concerning denials (Md Code, Gen. Provs. Art., Sec. 4-101, et seq.). The above is only an informal summary.

If a Village employee believes that a record or part of a record should not be disclosed, the employee should promptly contact the Mayor for a decision or, in the absence of the Mayor, the Village Manager.

THESE RULES AND REGULATIONS

A copy of these rules and regulations shall be posted in the Village office and provided without charge to anyone requesting the same.

Approved by Village Council 10/13/15