CCAP COUNTY COMMISSIONERS ASSOCIATION OF PENNSYLVANIA
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Q&A On Open Records Act

The last issue of the *AAP Journal* featured a story on the new Open Records Act. Here is the conclusion to that article as provided with the permission of the Pennsylvania Newspaper Publishers Association and its General Counsel, Teri Henning.

How Do I Ask For A Record?

Direct requests to an agency's open records officer. The law requires each agency to appoint an "open records officer." Contact information for each agency's open records officer must be posted at the agency and on the agency's Internet Web site, if one exists. You must direct your request to the agency's open records officer. If you send your request to the wrong person, public employees must forward it to the open records officer. This may delay the response, however, and should be avoided if possible.

Manner Of Request. You can make a request in person, by mail, facsimile or e-mail.

Substance Of Request. A written request should identify or describe the records sought with sufficient specificity so that the agency can determine which records you are seeking and must include the name and address to which the agency should address its response. You do not have to tell an agency why you want a particular record.

Request Form. The Office of Open Records will develop a uniform form which must be accepted by Commonwealth and local agencies. The form is required to be posted at the agency and on an agency's Web site, if it has one. The law does not require you to use the form to make a request, but your request must contain the information listed above.

Courts And Legislature. Judicial agencies and Legislative agencies may develop their own forms. Again, you are not required to use these forms, provided that your request contains the necessary information.

How Long Does An Agency Have To Respond?

Five Business Days. An agency is required to respond to a request as promptly as possible under the circumstances, which shall not exceed five business days.

Requests For Extensions. Under certain circumstances, such as when legal review or redaction are necessary, records are stored in a remote location, or where a request is extensive, an agency may take up to 30 more days to provide access to or copies of the records. The agency must still notify the requester of this "extension" within five business days of receipt of the original request.

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IDEAS FOR YOU

Forgive Clutter

Yes, many studies have found that a cluttered work environment can hamper productivity. But that doesn't necessarily mean you should require messy workers to clear their desks. According to Eric Abrahamson and David H. Freedman, authors of *A Perfect Mess: The Hidden Benefits of Disorder,* a messy desk can represent a surprisingly sophisticated informal filing system that offers far more efficiency and flexibility than a filing cabinet could possibly provide," the authors contend.

So before demanding that workers clean up their space, consider their overall effectiveness. If they consistently make deadlines, turn out a strong work product, and meet or exceed other expectations, it's probably best to leave well enough alone.

WHAT'S INSIDE

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AAP People,
and more!**

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President's Message

Fall Is Filled With Activity!

Happy fall to all!

As we wind down summer and prepare for fall, tis the season of appeals. Good luck to all as I've seen some activity on the listserv in regards to requests for comparable sales. That is one of the many strengths of this Association (See Page ten). It is the willingness of our members to assist others. We as an Association have a lot of talented and experienced persons out there, so keep the questions and comments flowing on the listserv.

There is some movement in regards to gathering information and working with the various entities to get a handle on the homestead or farmstead issues that arose from this last school billing. Once we have a handle on which way things may progress, we (the AAP) will try to schedule educational offerings to spread the word.

There are some counties involved with the Marcellus shale drilling and its impact on clean and green and other issues. We at the AAP are trying to keep our membership on the educational cutting edge on that issue, too.

We're in the process of concluding our fall series of CPE classes in beautiful Lancaster County. There are 19 students enrolled, and the introduction class went well.

In closing I would like to wish everyone a happy fall and I look forward to seeing you at the fall conference in wonderful Gettysburg, Pennsylvania.

Randy

Randy Waggoner

Legislative Update

News From Harrisburg

Pennsylvania House And Senate Winding Up Session Business – With the Senate decision to cancel any post election or "lame duck" session, the House and Senate were in their final days of active session for 2007-2008 as this was being written. When they reconvene in January of 2009, there will be at least 25 newly elected members due to retirements or election losses in the primaries.

On November 30, 2008, all bills that have not been passed and signed by the governor will die, and if a legislator is interested in pursuing the proposal, he or she will have to re-introduce it in the new session and the process begins again. Because there will be no post-election business session, the number of issues under consideration has dwindled to a handful.

Limits On Assessment Appeals – In July Governor Rendell vetoed SB 1247 and HB 1438, which would have amended the assessment laws to prohibit most appeals of property tax assessments by school districts and municipalities. Under current law, schools and municipalities can appeal the assessments of individual properties at any time, a strategy some are using increasingly to boost the property tax rolls between assessments.

The governor indicated in his veto message that an absolute prohibition was inequitable and on that basis, rather than attempt an override, the bill's sponsors worked over the summer with the administration to develop a compromise (the Association was a participant in the discussions).

The compromise language, which permits the appeals but with significant limitations and thresholds, has been amended into SB 1258 and HB 1439. Final passage is not certain, however, based on continuing interest by some legislators in a complete prohibition.

Oil And Gas Assessment – Counties continue to press legislators to restore local tax equity by providing for accessibility of oil and natural gas, reversing the 2002 Supreme Court decision in Independent Oil and Gas et al v. Fayette County Board of Assessment Appeals. CCAP supports legislation to allow oil and gas interests to be assessed, based on an income valuation of the producer's interest in the lease, similar to what is already done for coal and aggregates, wind towers, and other commercial and industrial properties.

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DEADLINE for the winter issue is December 1, 2008

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2009 Annual Conference Comes Back to Seven Springs



Helen's Restaurant is one of the many fine dining experiences at Seven Springs.

The Assessors' Association of Pennsylvania is pleased to be bringing the 2009 Annual Conference to Seven Springs Mountain Resort in the beautiful Laurel Highlands of Somerset County.

The Annual Conference to be held April 30 to May 2 is absolutely the best way to earn recertification hours as well as network with our colleagues from all over the state. Over 200 assessment professionals attend this jam-packed three-day conference.

In addition to classes each day, this conference is also the meeting where AAP holds its auction to benefit chapter education. This fun event is one of the highlights of the conference. Another annual event is the Thursday evening banquet where we honor President Randy Waggoner, present member awards and service awards and recognize new CPEs. The Annual Conference is truly and event you do not want to miss.

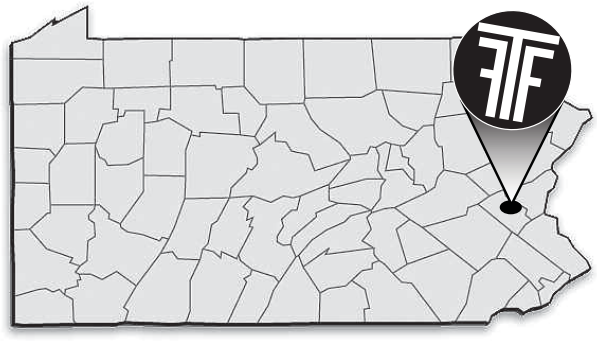
SEVEN SPRINGS MOUNTAIN RESORT

Look for many changes to the Seven Springs facility during the conference. With the renovation of all 416 hotel rooms complete, the resort is focusing on the continued enhancement of the hotel's lobby, corridors and suites.

The resort's Slopeside Dining Room is also undergoing renovations including an innovative menu, new carpeting, chairs, lighting, chef's tables and more. The plans feature a sophisticated dining experience in a classic, mountain lodge style in a relaxed environment that is uniquely Seven Springs.

Also currently under construction is the new outdoor pool. Located adjacent to the Bavarian Beach, the outdoor pool will be the place for fun in the sun, featuring a large lagoon-like heated pool, firepits, lush landscaping and a kids' area complete with splash garden and wading pool.

Conference registration materials will be mailed out in late February / early March 2009. In the meantime, please check out the conference location by visiting Seven Springs' Web site at *www.7 springs.com.*



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Deemed Denial. If an agency does not respond within five business days, the request is deemed denied. If an agency has sought an extension, but does not provide access within the 30 additional days, the request is deemed denied, unless the requester has agreed in writing to an extension. If your request is denied or deemed denied, you may file an appeal.

How Much Will It Cost?

Duplication Fees. The Office of Open Records will set duplication fees for the commonwealth and local agencies. Legislative agencies and judicial agencies may establish their own fees. Any such fees must be reasonable and based upon fees for comparable duplication services provided by local business entities. Fees for local agencies may reflect regional price differences.

Postage. Agencies may also collect fees for postage (actual cost only) and reasonable certification fees, where certification is requested by the requester.

Fee Waiver. Agencies may also waive fees at any time.

Complex And Extensive Data Sets. In certain, very limited circumstances, agencies are permitted to charge fees based on the reasonable market value of records. This increased fee provision only applies to requests for "complex and extensive data sets," such as geographic information systems databases or integrated property assessment list databases. The increased fee provisions do not apply to media requesters or to nonprofit organizations conducting educational research.

Limitation On Fees. Except as provided by statute, no other fees may be assessed unless an agency necessarily incurs costs for complying with a request, and any such fees must be reasonable. An agency may not charge for the agency's review of a record to determine whether it is public.

Prepayment. Agencies may require prepayment where fees are expected to exceed $100.

What If The Agency Denies My Request?

Denials. An agency denial must include:

- A description of the record requested
- The specific reasons for the denial, including citation of supporting legal authority
- The name, title, business address and telephone number, and signature of The open records officer
- The date of the response
- The appeals procedure

Deemed Denials. Remember, if an agency does not respond within five business days of receiving your request, your request is deemed denied.

How Do I File An Appeal?

Local And State Agency Denials. Except as stated below, all denials or deemed denials from local and Commonwealth

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MEMBER ABILIA

Name: Cheryl Johnson.

Position: Assessment Manager.

Years In Assessment Field: 30 long years.

County: Northampton.

Marital Status And Family: Married, two children and one grandchild.

What Irritates Me Most In The Assessment Business: Attorneys who know nothing about assessment.

Most People Would Be Surprised To Know: I love to fish and I am good at it.

Biggest Challenge As An Assessor: Interpreting Pennsylvania laws.

First Job: Dishwasher.

If I Couldn't Be An Assessor, I'd Be: Doing social work helping people who have fallen thru the cracks.

If I Won Millions In The Lottery, I Would: Share it with my friends and family.

Favorite Vacation: Las Vegas, someday I might actually get there!

Favorite Food And Drink: Seafood and rum with Diet Coke.

Favorite Movie: All of the Griswold movies.

Three People Living Or Dead That I Would Invite To Dinner: My mom, brother-in-law Ben, and Jesus.

The Hardest Lesson I Ever Learned As An Assessor Was The Time: Do not turn your back on a dog – it will pee on you!

If I Could Live In The Past For One Day, I Would Change: I would have chosen a more rewarding job!

My Best Friend: Kim.

Chapter Notes And Other News

Clearfield County

Mary Anne Wesdock of Clearfield County retired on September 30, 2008. She will continue to work but as a title abstractor. Mary Anne also got married in June and her new last name is Jackson.

Dauphin County

Welcome to *Greg Daylor* who was hired as a residential assessor/appraiser.

Fulton County

Mary Lou Rudolph, chief assessor of Fulton County retired August 1. Mary Lou began working in the assessment field in 1974 and became Chief Assessor in Fulton County in 1988. She was president of the Laurel Mountain Chapter of the AAP, became president of the AAP in 2001, and has been on the AAP Board of Governors for the past 14 years. Mary Lou is the current chairperson of the Clean and Green Committee, a position she has held for the past 8 years, she plans to stay active in that role.

Mary Lou and Hap and their new Chocolate Lab, Tillie moved to Greene County in September, where over the past year they have been restoring a 1930s home. They have a small tract of land, where they will be raising farm animals, planted fruit trees and have a large garden (can you tell – she plans to put this property in Clean and Green) and this fall will be canning her fruits and vegetables. Mary Lou has been working on family genealogy, online of which she has researched back to 1600s in Europe. She and Hap hope to spend more time with their family and grandchildren. Good luck Mary Lou, we hope you enjoy your retirement, however it sounds like you are going to have plenty of things to keep you busy.

Congratulations to *Michelle Sowers* on her appointment as chief assessor of Fulton County, on August 11th; Michelle has been employed by Fulton County for 20 years and prior to this appointment held the position of deputy assessor

Lancaster County

Welcome to *Dana Guyer*, Field Appraiser, who started with the county in August.

Monroe County

Congratulations to *Lynda LaBarre,* Monroe County who will be married on October 19, 2008 to Tom Kyttle. *Barbara Mehltretter,* Monroe County, has become a grandmother again. Her newest grandson, Landon Austin, was born on September 18, 2008 and weighed 8 pounds 10 ounces. Ryan Hill, son of *Tom Hill,* Monroe County, has graduated from Marine Boot Camp, been promoted to Lance Corporal and is currently stationed at Fort Mead, Maryland.

Northampton County

Al Bressi has recently named the chief assessor of Northumberland County.

Sullivan County

Kristina Bedford has resigned as the assistant chief Assessor in Sullivan County after 11 years of service. Her last day of work was July 30, 2008. Kristina accepted a position as an appraiser's assistant at Ag Choice Farm Credit in Towanda. You may see Kris around from time to time, as she will need to keep her USPAP credits current.

York County

Congratulations to newlyweds *Christine Cook* and Patrick Jean, who were married on April 26, 2008 in East Prospect, York County. Christine is a residential assessor with York County. Christine and Patrick reside in Windsor Township, along with Patrick's daughter, Amber. We wish the couple many, many happy years together. Congratulations to the county's newest CPE, *Cary Wells,* who recently passed his test.

CHAPTER NEWS

North East Chapter

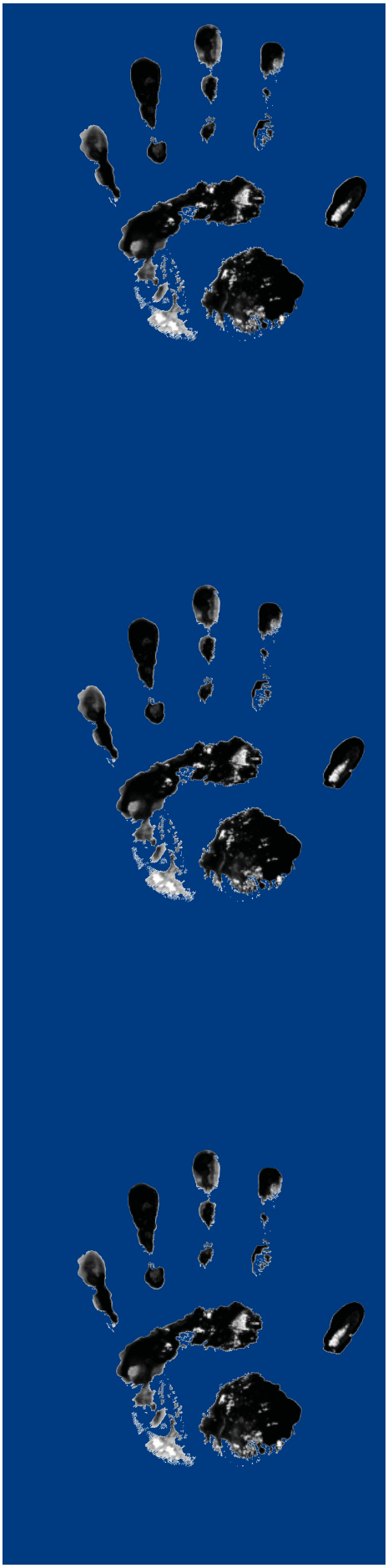
The 2009 officers for the North East Chapter have been named. *John McCormick,* Wayne County will be the new president. The new vice president is *Sherri Spolsky* of Monroe County, *Lynda LaBarre,* Monroe County will serve as the Secretary/Treasurer.

The new representative to the Board of Governors for 2009 will be *Catherine Voda*, Wyoming County and *John McCormick,* Wayne County. Alternate board members are *Eric Brown,* Wyoming County and *Tony Alu,* Luzerne County.

Monroe County will be hosting the December meeting of the NECAAP on December 5, 2008. The topic will be announced later. If anyone is interested in joining the NE for this meeting, please contact *Lynda LaBarre (Kyttle* by then) at (570) 517-3142 or *Darlene Beers* at (570) 517-3148.

South Central Chapter

The South Central Chapter meets quarterly. The next meeting will be held on December 5. Beginning with our business meetings at 9:00 a.m. with seminars beginning immediately after the meeting (approximately 9:30 a.m. and are held at the Adams County Agricultural and Natural Resources Center, 670 Old Harrisburg Road, Gettysburg, PA 17325. Please contact *Barb Walter* at (717) 337-9837, for more information.



The Value of Consistency

MORE ON THE TOPIC OF BRANDING

The Assessors' Association of Pennsylvania is in the midst of examining its brand and how to improve its brand image among various audiences. Many counties throughout the country are also re-examining their brand and the way the public and other key stakeholders perceive the county and the many programs and services offered. This article will help you understand what branding is and why it is becoming increasingly important.

Let's say you have a really good friend who changes the way they dress or their hair or the way they speak every time you see them. Each time you see them – providing you recognize them – what impression does this make? Next, think about a popular brand, let's say Coca-Cola®. Every time you see their logo, color, tagline, or graphic elements, they're always the same. You probably don't even have to see the name, just a graphic element, like their wave or the cursive "C," and you recognize it immediately. That's their unique fingerprint.

Now think about your brand. Are you always consistent with its appearance? Do your customers recognize it immediately? Brand consistency builds increased recognition, differentiation, and influence. A consistent experience for your customer tells them that you are reliable; it builds trust that you will deliver.

The *Washington Post* reported that researchers at Ludwig-Maximillians University in Munich, Germany conducted a study on brain response and brand recognition. They performed an MRI on the participants as they looked at different brands. What they discovered is that when the brand was recognized, the areas of the brain associated with warm emotions, reward, and self-identity lit-up. When the brand wasn't familiar, there was more activity in the memory and negative emotion sections. The conclusion: familiar brands induce faster and more positive responses.

So, what makes your brand recognizable? It's your brand elements like the logo, tagline, graphic elements, color palette, type style, sizes, sounds, textures, and terminology.

Think of your brand as a person. It has a personality. How does it show the world its personality? Through its style. The brand elements are your style. Discovering what elements reflect your unique selling proposition (USP) involves thoughtful exploration.

Once you've determined the elements, it then becomes all about consistency and repetition. Use your brand elements at every point of contact with your consumer; no piece is too small to reflect your brand, from PowerPoint presentations to business cards to signage. Studies show that a typical consumer requires at least 17 impressions of a brand before considering even trying it. For an Association, such as AAP, creating awareness of it and the important role it plays in the assessment industry, is critical in driving change and getting recognition before state lawmakers.

The best way to ensure consistency with your messaging is to create a standards book or a usage sheet which outlines the what, when and how to use your brand elements. Counties engaged in branding need one and need to be sure all who need to use the county brand elements has access to these guidelines.

Consistency, consistency, consistency. While you're developing and growing your brand, you'll live it, breathe it, and eat it. You'll probably grow weary of seeing it. But as one branding professional said, 'just about the time you're getting sick of it, that's about the time you're probably getting the brand recognition you want.'

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agencies are appealable to the Office of Open Records, an administrative agency within the Department of Community and Economic Development. That Office will issue rules regarding the appeal process.

Denials From Judicial Agencies And Legislative Agencies. The law permits judicial agencies and legislative agencies to appoint their own appeals officers, and any appeal regarding these agencies should be filed with the appropriate appeals officer, as identified by the individual agencies. These agencies are expected to issue rules regarding this process.

Denials From The State Treasurer, Auditor General, Attorney General, County District Attorneys (Criminal Records Only). The law also permits the state treasurer, the auditor general, and the attorney general to appoint their own appeals officers. As a result, any appeal regarding these agencies should be filed with the appropriate appeals officer, as identified by the individual agencies. In addition, the district attorney of a county may appoint an appeals officer to hear local appeals relating to access to criminal investigative records only. These agencies are expected to issue rules regarding the process as well.

Timing And Content Of Administrative Appeal. Any appeal must be filed within 15 business days of the mailing date of a denial or 15 business days of a deemed denial. The appeal must explain why you believe the requested record is a public record, legislative record, or financial record and must address any grounds stated by the agency for delaying or denying the request.

What Is The Office Of Open Records, And How Will It Help Me?

Office of Open Records. The new Law creates the Office of Open Records, housed in the Department of Community and Economic Development. The Office hears most open records appeals (with the limited exceptions set forth above), holds hearings, issues orders, issues advisory opinions, and provides training, among other things. The Office will issue rules regarding its operation and procedures in the coming months.

Final Determination. Unless the requester agrees otherwise, the Office shall make a final ruling on an appeal within 30 days. If the office does not do so, the appeal is deemed denied.

Appeal To Court. A party may appeal an Office of Open Records determination (or deemed denial) by filing a court action. If the case relates to a Commonwealth agency, any appeal would be filed with the Commonwealth Court. Appeals from local agency denials are filed with the county court of common pleas.

What Penalties Are Available Under The Law?

Civil Penalty. A court may impose a civil penalty of up to $1500 against an agency that denied access in bad faith.

What About Attorneys' Fees?

Attorneys' Fees. A court may award attorneys' fees to a requester if an agency acted in bad faith in denying access or based its denial on an unreasonable interpretation of the law. A court may also award attorneys' fees to an agency or a requester if a court finds that the legal challenge was frivolous.

How Does The Law Treat Penn State And Other State-Affiliated Universities?

Financial Disclosures. State-related universities, such as Temple University, The University of Pittsburgh, The Pennsylvania State University, and Lincoln University are required to make public annual reports, which must include the following:

- Information contained in Form 990 of the IRS (except for individual donor information);
- The salaries of all officers and directors; and
- The highest 25 salaries paid to employees.

Effective Date. These provisions took effect on July 1, 2008.

To Contact The Open Records Office

Visit the Web site at:
http://openrecords.state.pa.us

Address:
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Harrisburg, PA 17120-0225

Phone:
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E-mail:
openrecords@state.pa.us

Executive Director:
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Deputy Director:
Barry Fox

Chief Counsel:
Leo L. Dunn



How We Communicate

WHAT IS A LISTSERV?

YOU HAVE QUESTIONS, THE LISTSERV CAN HELP FIND THE ANSWERS

A Listserv mailing list is based on a computer program that allows people to create, manage and control electronic mailing lists. Each list has a topic of interest, for example technology, human services or policy. To avoid requiring everyone within a mailing group to maintain a separate alias or nickname for the group, the LISTSERV maintains a single list of subscribers that everyone can use.

Sometimes the Listserv is public; that is, anyone with an e-mail account anywhere in the world can subscribe. The lists that CCAP sponsors are private and confidential, including the one for AAP. In this case, the owner can subscribe people and moderate the Listserv, only allowing those with a particular topic focus to know about the list and enable them to join. Mailing lists can make sending mail to groups of people much easier, especially if the membership of the group is constantly changing. Group members need only to maintain their own addresses and subscription status.

TYPES OF LISTSERVS

One type of electronic mailing list is an announcement list, which is used primarily as a one-way feed of information and can only be "posted to" by selected people. Another type of electronic mailing list is a discussion list, in which any subscriber may post. On a discussion list, a subscriber uses the mailing list to send messages to all the other subscribers, who may answer in similar fashion. Actual discussion and information exchanges can happen. Mailing lists of this type are usually topic-oriented (legislative policy, technology discussions, surveys) and the topic can range from extremely narrow to "whatever you think could be of interest."

On most of the focused discussion lists sponsored by CCAP, including AAP, the messages must be approved by a moderator before being sent to subscribers. Moderator approval is required to join and for posting messages. This process is usually enlisted to make sure that "netiquette" is used when messages are posted and to weed out spam and off-topic messages. "Netiquette," a collection of "network etiquette," is a set of social conventions that facilitate interaction over networks, ranging from mailing lists to blogs and forums. Some etiquette examples that users are asked to refrain from on the AAP-sponsored Listserv include:

- Challenges or attacks on others. The discussions are meant to stimulate conversation, not create contention.
- Postings of commercial messages. The cyberspace term for this activity is spamming. Contact people directly with products and services that you believe would be helpful.
- Inappropriate discussions relating to entities, rumors and other similar matters. Information posted on the Listserv is available for all to see, and comments are subject to libel, anti-trust and a variety of other laws.
- Sending jokes, virus alerts or chain letters.
- Defamatory, abusive, profane, threatening, offensive or illegal materials. Do not post anything you would not want the world to see or that you would not want anyone to know came from you.
- Inappropriate posting of copyrighted material.

To join the AAP Listserv, e-mail your name, county name your phone number and your e-mail to Lori Lawyer at the Association office: *llawyer@pacounties.org.*

The Listserv is for members of AAP and should be used in a professional manner.



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Spring Classes At The Best Western East Mountain Inn, Wilkes-Barre

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Market	May 5-8
Cost	May 18-22
Income	June 9-12

Fall Classes At The Mt. View Inn, Greensburg

Introduction	September 14-18
Cost	September 22-25
Market	September 28 - October 2
Income	October 6-9

Information regarding the classes can be found on the AAP Web site, *www.paassessors.org.*



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