



CITY OF DUBOIS, PENNSYLVANIA

16 W. SCRIBNER AVE. • P.O. BOX 408 • DUBOIS, PENNSYLVANIA 15801

TELEPHONE: (814) 371-2000, Ext. 135

FAX: (814) 371-1290

PUBLIC RECORD REVIEW/DUPLICATION REQUEST

Print Legibly, unreadable requests cannot be processed.

Requester's Name: DeLean Shepherd Date of Request: 08/02/2024

Requester's Address: 990 DuBois Rockton Road

Rockton, PA 15856

Requester's Telephone No. [REDACTED] Fax No. _____

I request: Review Duplication (Check applicable Box) of the following records:
Electronic

IMPORTANT: You must identify or describe the records with sufficient specificity to enable the City of DuBois to determine which records are being requested. Use additional sheets if necessary. A fee of **.25¢ per page** will be charged for duplication services.

Treasurer's Cash Report as of 05/30/2024 on all Funds

May 2024 General ledger detail reports GF.100.010 through GF.299.999 including beginning and ending balances

May 2024 General ledger detail reports SF.100.010 through SF.299.999 including beginning and ending balances

May 2024 General ledger detail reports WF.100.010 through WF.299.999 including beginning and ending balances

Water Fund, Sewer Fund, General Fund Budget reports as of 05/31/2024

May 2024 General ledger detail reports LF.100.010 through LF.299.999 including beginning and ending balances

DeLean Shepherd

Signature of Requester

This request may be submitted in Person, by Mail to:

Shawn Arbaugh, City Manager
City of DuBois
16 W. Scribner Ave
PO Box 408
DuBois, PA 15801

By Fax: (814) 371-1290 (or) By Email: info@duboispa.gov



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DuBOIS, PENNSYLVANIA 15801

TELEPHONE: (814)371-2000

FAX: (814)371-1290

August 8, 2024

VIA EMAIL

Ms. DeLean Shepherd
990 DuBois Rockton Road
Rockton, PA 15856



Dear Ms. Shepherd,

Thank you for writing the City of DuBois with your request for information pursuant to the Pennsylvania Right- To-Know law.

On August 2, 2024, you requested a list of all Right to know requests in 2023, including the requestors name, info requested, date it was fulfilled, Treasurer's Cash Report as of 05/31/2024 and 07/31/2024 on all Funds, May and July 2024 General ledger detail reports GF.100.010 through GF.299.999 including beginning and ending balances, May and July 2024 General ledger detail reports SF.100.010 through SF 299.999 including beginning and ending balances, May and July 2024 General ledger detail reports WF.100.010 through WF.299.999 including beginning and ending balances, May and July 2024 General ledger detail reports LF.100.010 through LF.299.999 including beginning and ending balances.

Pursuant to Section 902(a) of the Right to Know Law, the City of DuBois requires an additional 30 days to respond to the request:

- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.

The City of DuBois expects to respond to your request on or before September 6, 2024.

Respectfully,

Shawn Arbaugh
City Manager
City of DuBois, Clearfield County



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Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024

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DeLean Shepherd

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TELEPHONE: (814)371-2000

FAX: (814)371-1290

August 8, 2024

VIA EMAIL

Ms. DeLean Shepherd
990 DuBois Rockton Road
Rockton, PA 15856

[REDACTED]

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Respectfully,

Shawn Arbaugh
City Manager
City of DuBois, Clearfield County

DILLON McCANDLESS KING COULTER & GRAHAM L.L.P.
ATTORNEYS AT LAW

RONALD N. REPAK, PARTNER
MATHEW P. GIEG, ESQUIRE

313 WEST HIGH STREET,
SUITE 209
EBENSBURG, PA 15931
PHONE: (814) 478-2220

OTHER OFFICES:
BUTLER OFFICE:
128 WEST CUNNINGHAM ST.
BUTLER, PA 16001
PHONE: (724) 283-2200

CRANBERRY OFFICE:
600 CRANBERRY WOODS DR.,
SUITE 175
CRANBERRY TWP., PA 16066
PHONE: (724) 776-6644

August 23, 2024

DeLean Shepherd
990 DuBois Rockton Road
Rockton, PA 15856

Via email only to: [REDACTED]

Re: Right to Know Request dated August 2, 2024

Dear Ms. Shepherd,

This office represents the City of DuBois. This letter is a formal written response to the Right to Know Request ("request") you submitted to the City of DuBois dated August 2, 2024. Please note that, in addition to the following written response to the request, an Affidavit executed by Shawn Arbaugh, City Manager for the City of DuBois, is attached hereto, incorporated into this written response, made a part of this written response, and designated Exhibit A.

The request identifies and seeks access to six (6) separate records – 1) Treasurer's Cash Report as of 07/31/2024 on all funds ("record 1"); 2) July 2024 General ledger detail reports GF.100.010 through GF.299.999 including beginning and ending balances ("alleged record 2"); 3) July 2024 General ledger detail reports SF.100.010 through SF 299.999 including beginning and ending balances ("alleged record 3"); 4) July 2024 General ledger detail reports WF.100.010 through WF 299.999 including beginning and ending balances ("alleged record 4"); 5) Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024 ("record 5"); and 6) May 2024 General ledger detail reports LF.100.010 through LF 299.999 including beginning and ending balances ("alleged record 6").

Regarding record 1, the request is granted, and a true and correct duplicate of the same is being provided to you along with this response.

As to alleged records 2, 3, 4, and 6 – all of which are identified as "General ledger detail reports" – the request is denied, as said alleged records do not *currently* exist and

DILLON MCCANDLESS KING COULTER & GRAHAM L.L.P.

were not in existence *as of the date on which the request was submitted*. Therefore, said alleged records are not in the possession of the City of DuBois.

65 P.S. § 67.705, provides that, "[w]hen responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record". "Under Section 705 of the RTKL[,] . . . the standard is whether such a record is in existence and in possession of the Commonwealth agency at the time of the right-to-know request". *Saunders v. Dep't of Corr.*, 172 A.3d 110, 112 (Pa. Commw. 2017). As in *Saunders*, the City of DuBois has supplemented this response with an affidavit signed by Shawn Arbaugh, City Manager for the City of DuBois, which states and verifies that the City of DuBois is not in possession of the requested records and that such records do not currently exist and did not exist as of the date of the request. Mr. Arbaugh's affidavit verifying the non-existence of alleged records 2, 3, 4, and 6 are "enough to satisfy the [City of DuBois'] burden of demonstrating the nonexistence of the record[s] requested, and obviously the [City of DuBois] cannot grant access to a record that does not exist". *Id.* at 113. Because the City of DuBois cannot be compelled to produce a record that does not exist, the request for alleged records 2, 3, 4, and 6 is denied.

Regarding record 5 – "Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024" – these records are exempt from access pursuant to 65 P.S. § 67.708(b)(12).

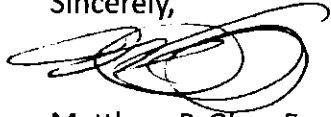
Section 708(b)(12) of the RTK Law exempts from access "[n]otes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including . . . materials that do not have an official purpose". "'Personal' within the foregoing definition does not mean that it has to involve a public official's personal affairs[.] . . . it covers those documents necessary for that official that are 'personal' to that official in carrying out his [or her] public responsibilities". *City of Philadelphia v. Phila. Inquirer*, 52 A.3d 456, 461 (Pa. Commw. 2012). In affirming the Court of Common Pleas' decision in *City of Philadelphia v. Phila. Inquirer*, (2011 Phila. Ct. Com. Pl. Lexis 192), the Commonwealth Court cited *Bureau of Nat'l Affairs, Inc. v. United States DOJ*, 742 F.2d 1484 (D.C. Cir. 1984), a case involving a request under the Federal Freedom of Information Act, as persuasive authority offering interpretive guidance under the RTK Law's notes-and-working-papers exception. *Bureau of Nat'l Affairs* addressed and distinguished officials' daily agendas, which were created for the express purpose of facilitating daily activities of a division, from appointment calendars retained solely for the convenience of individual officials and were not generally circulated. *Bureau of Nat'l Affairs* stands for the legal proposition that, with respect to the RTK Law's notes-and-working-papers exception, a record falls under this exception if

DILLON MCCANDLESS KING COULTER & GRAHAM L.L.P.

it was created 1) solely for the convenience of the City of DuBois' elected public officials; and 2) not circulated outside the public officials' offices.

Here, as evidenced and verified in the attached affidavit of Shawn Arbaugh, City Manager for the City of DuBois, record 5 was created specifically and solely for the convenience of City Council members; was not circulated beyond or outside City Council members' offices; and was not used for any official purpose. "The RTKL expressly requires that informal 'working papers' be 'used solely for that official's . . . own personal use'. This plain language means that 'working papers' are used by the official alone". *City of Philadelphia*, 52 A.3d at 463. Therefore, the "Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024" are exempt from access under 65 P.S. § 67.708(b)(12), and, consequently, the request for the same is denied.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew P. Gieg', with a large, stylized flourish extending from the end of the signature.

Matthew P. Gieg, Esquire
Dillon McCandless King Coulter & Graham, LLP

Cc: City of DuBois

Affidavit

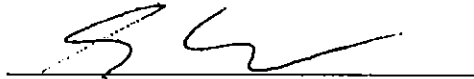
I, Shawn Arbaugh ("Affiant"), being duly sworn according to law, depose, state and verify that I am the City Manager for the City of DuBois, Clearfield County, Pennsylvania and that I am authorized to make this Affidavit on behalf of the City of DuBois in my capacity as City Manager for the City of DuBois. As Affiant, I am submitting this Affidavit to verify certain facts contained in the written response to the Right to Know Request submitted to the City of DuBois by DeLean Shepherd ("Requester") dated August 2, 2024 ("the request").

In the request, Requester seeks access to, among other records, the following: "July 2024 General ledger detail reports GF. 100.010 through GF 299.999 including beginning and ending balances"; "July 2024 General ledger detail reports SF. 100.010 through SF 299.999 including beginning and ending balances"; "July 2024 General ledger detail reports WF. 100.010 through WF 299.999 including beginning and ending balances"; and "May 2024 General ledger detail reports LF. 100.010 through LF 299.999 including beginning and ending balances ". The foregoing records are hereinafter collectively referred to as "the general ledger detail reports". I hereby swear and affirm under penalty of perjury that the general ledger detail reports do not currently exist and did not exist as of the date on which the request was submitted – August 2, 2024.

In the request, the Requester also requests "Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024". I hereby swear and affirm under penalty of perjury that the record requested by Requester identified as "Water Fund, Sewer Fund, General Fund Budget reports as of 07/31/2024" was created specifically and only for the convenience of City Council members; was not circulated beyond or outside City Council members' individual offices; and was not used for any official purposes. The document

Exhibit A

was only distributed to City Council members for their own personal use, the document was not provided or disclosed to any employees of the City of DuBois.



Shawn Arbaugh
City Manager
City of DuBois, Clearfield County, PA

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

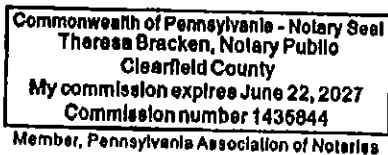
On this, the 23 day of August, 2024, before me, a Notary Public, the undersigned officer, personally appeared Shawn Arbaugh, City Manager for the City of DuBois, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Affidavit, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public

My Commission Expires:



CITY TREASURER'S OFFICE

May 2024

		BALANCES May 1 2024	RECEIPTS	DISBURSE- MENTS	BALANCES June 1 2024
GENERAL		371,818.21	1,342,129.05	1,097,201.24	616,746.02
WATER		29,590.62	336,860.26	306,979.61	60,479.27
SEWER FUND		479,981.77	439,728.64	174,381.27	745,329.14
STATE LIQUID FUELS		697,586.91	998.42	1,976.00	696,609.33
SMALL COMMUNITIES-CDBG		25.50	-	-	25.50
SURCHARGE FUND		-			-
PENNVEST PROJECT		11,119.82	7,636.79	7,632.06	11,123.56
SEWER CERT OF COMP ESCROW		1,814.02	-	-	1,814.02
FIRE INSURANCE ESCROW		1,249.19	-	-	1,249.19
HEALTH INSURANCE DEDUCTIBLE		201,176.24	19,874.90	8,811.73	212,239.41
SEWER TAP ESCROW SAVINGS		68,132.05	-	-	68,132.05
Total Operating Cash		1,862,494.33	2,147,135.06	1,595,881.90	2,413,747.49
Interest Account		14,836.66	142.99	-	14,979.65
Water Projects - Noxflor		184,855.62		51,583.25	133,272.37
PennVest Sewer Plant-S & T Bank		1,547.53	1,580,284.84	1,580,284.84	1,547.53
Neighborhood Acct	S&T	6,600.00	200.00		6,800.00
Pension Money Market 4.10 %	S&T	417,124.75	1,498.28		418,620.01
Covid Relief II-Saving Acct	S&T	170,933.33		98,595.00	74,338.33
Fields & City Pool	S&T	270,862.24		-	270,862.24
Cameras In Park CD - .35% - 04/29/16	S&T	40,000.00		as of 11-24-20	40,000.00
Dump Truck Wealth Investment	S&T	75,000.00		as of 11-23-20	75,000.00
Roof Fund Wealth Investment	S&T	75,000.00		as of 11-23-20	75,000.00
Street Sweeper Wealth Investment -	S&T	75,000.00		as of 11-23-20	75,000.00
K-9 Fund	S&T	88,095.29	910.00		89,005.29
Lord Abbott Floating Rate Fund		696,489.68		as of 01-28-21	696,489.68
Money Market for Lord Abbott Funds		61,008.29		as of 01-28-21	61,008.29
Recycle Grant 2021 1.75%	S&T	6,542.43			6,542.43
Recycle Grant 2020 .015 % 10-19-21	S&T	7,852.20			7,852.20
Recycle Grant 2019 .20% 02-28-21	S&T	6,344.96			6,344.96
Recycle Grant 2018 1.13% 01/03/2020	S&T	6,346.22			6,346.22
Recycle Grant 1.98% 09/26/2021	S&T	4,988.89			4,988.89
Recycle Grant 2017 .90% 05/31/2018	S&T	5,739.19			5,739.19
Recycle Grant 2016 .80% 11-09-2017	S&T	5,667.88			5,667.00
Recycle Grant 2015 1.49% 01-28-2018	S&T	6,351.20			6,351.20
Recycle Grant 2014 1.90% 11-06-2020	S&T	5,901.61			5,901.61
Mid Penn Bank-Community Fund		169,314.97			
DVFD-Budget *4944		59,726.96	147.02	7,254.87	52,619.11
DVFD-Training * 3874		113.90	0	0	113.90
DVFD-Parade * 7394		61,481.12	0.00	960	60,531.12

CITY TREASURER'S OFFICE
July 2024

		BALANCES July 1 2024	RECEIPTS	DISBURSE- MENTS	BALANCES Aug 1 2024
GENERAL		40,025.42	1,836,536.42	1,434,906.57	441,655.27
WATER		135,350.78	302,676.22	347,404.10	90,622.90
SEWER FUND		774,966.40	431,290.67	736,031.24	470,226.83
STATE LIQUID FUELS		697,577.68	873.81	6,920.52	691,530.77
SMALL COMMUNITIES-CDBG		25.50	-	-	25.50
SURCHARGE FUND		-	-	-	-
PENNVEST PROJECT		11,127.35	7,535.69	7,532.06	11,130.99
SEWER CERT OF COMP ESCROW		1,814.02	-	-	1,814.02
FIRE INSURANCE ESCROW		1,249.19	-	-	1,249.19
HEALTH INSURANCE DEDUCTIBLE		219,982.51	19,874.90	9,476.92	230,380.49
SEWER TAP ESCROW SAVINGS		68,132.05	-	-	68,132.05
			-	-	-
			-	-	-
Total Operating Cash		1,950,250.90	2,598,787.61	2,542,271.40	2,006,767.01
Interest Account		15,109.83	134.40	-	15,244.23
Water Projects - Nextier		133,798.49	400.29	-	134,198.78
PennVest Sewer Plant-S & T Bank		216,287.53	3,116,863.38	3,331,583.38	1,547.53
Neighborhood Acct	S&T	5,800.00	-	-	5,800.00
Pension Money Market 4.10 %	S&T	453,061.27	4,338.83	-	457,388.10
Covid Relief II-Saving Acct	S&T	74,338.33	-	-	74,338.33
Fields & City Pool	S&T	274,437.24	-	-	274,437.24
K-9 Fund	S&T	69,005.29	-	-	69,005.29
Dump Truck Wealth Investment	S&T	75,000.00	as of 11-23-20	-	75,000.00
Roof Fund Wealth Investment	S&T	75,000.00	as of 11-23-20	-	75,000.00
Street Sweeper Wealth Investment -	S&T	75,000.00	as of 11-23-20	-	75,000.00
Lord Abbott Floating Rate Fund		595,489.68	as of 01-28-21	-	595,489.68
Money Market for Lord Abbott Funds		61,008.29	as of 01-28-21	-	61,008.29
				11,000.00	11,000.00
Camera's in the Park	Maturity 04-29-25 S&T	40,000.00			
Recycle 2014 Grant CD	Maturity 03-16-25 S&T	6,039.53			
Recycle 2021 Grant CD	Maturity 08-19-24 S&T	6,879.51			
Mid Penn Bank-Community Fund		189,314.97			
DVFD-Budget *4944		50,128.98	0	583.22	49,683.74
DVFD-Training * 3874		113.90	0	0	113.90
DVFD-Parado * 7394		50,531.12	0.00	0	50,531.12