

Resolution No. 87  
SCHUYLER County LEGISLATURE

Regular Meeting  
February 10, 2014

Intro. No. 45  
Approved by Committee TMG  
Approved by Co. Atty. GBR

Motion by Barnes  
Seconded by Gifford  
Vote: 8 Ayes to 0 Noes  
Name of Noes \_\_\_\_\_

RE: ADOPTING RULES AND REGULATIONS CONCERNING THE METHOD AND PROCEDURE GOVERNING THE AVAILABILITY, LOCATION AND NATURE OF THOSE RECORDS OF THE MUNICIPALITY OF THE COUNTY OF SCHUYLER, NEW YORK SUBJECT TO THE PROVISIONS OF ARTICLE 6 OF THE PUBLIC OFFICERS LAW, KNOWN AS THE FREEDON OF INFORMATION LAW

WHEREAS, pursuant to Article 6 of the Public Officers Law of the State of New York, Schuyler County herby sets forth the following Rules and Regulations concerning the methods and procedures governing the availability, location and nature of the records of the County of Schuyler in accordance with Chapter 933 of the 1977 Session Laws of the State of New York, and in compliance with the regulations promulgated by the Committee on Public Access to Records is herby adopted to read as follows:

**FREEDOM OF INFORMATION LAW RULES AND REGULATIONS FOR THE  
COUNTY OF SCHUYLER**

**1. DESIGNATIONS:**

- a. **Records Access Officer:** There shall be one (1) Records Access Officer for the County of Schuyler. The County Administrator is designated to be such officer. The County Administrator or a person designated be the County Administrator shall be in charge of all of those records of the municipality, except for the records of the Schuyler County Department of Social Services. The Commissioner of the Schuyler County Department of Social Services or a person designated by the Commissioner shall be in charge of all of the records of the Schuyler County Department of Social Services.
- b. **“Record”** shall be defined as any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, report, statements, examination, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, Letters, microfilms, computer tapes or discs, rules, regulations or codes.
- c. **The Fiscal Officer** shall be the Treasurer of the County of Schuyler.

**2. LOCATION**

Requests to inspect or secure copies of records must be made in writing at the office of the County Administrator of Schuyler County, 105 Ninth Street, Unit 37, Watkins Glen, NY for all records under the County Administrator’s charge or in writing at the office of the Commissioner of the Schuyler County Social Services Department, 323 Owego Street, Unit 3 & 4, Montour Falls, NY, for all records under the Commissioners Charge.

The Records Access Officer will determine and advise the requester within five (5) business days of the request either a) the time and place where the requested records are available for inspection, or b) that the request will be granted or denied.

The records shall be made available at the office of the Records Access Officer unless indicated otherwise to the requester.

### 3. **DUTIES**

The Records Access Officer is responsible for assuring the agency personnel:

- a. Maintain an up to date subject matter list,
- b. Assist the requester in identifying requested records, if necessary,
- c. Upon locating the records, take one of the following actions:
  1. Make records available for inspection, or
  2. Deny access to the records in whole or in part and explain in writing the reasons there for.
- d. Upon request for copies of records:
  1. Make a copy available upon proper payment of fees, or
  2. Permit the requester to copy those records.
- e. Upon request, certify that a record is a true copy,
- f. Upon failure to locate records, certify that,
  1. The Agency is not the custodian for such records, or
  2. The records of which the agency is a custodian cannot be found after diligent search.

### 4. **TIME**

Records available for inspection by the public may be inspected or copied if a request is granted on all days excluding Saturdays, Sundays, Public Holidays, and any other day on which the County of Schuyler Offices are closed for general business, between the hours of 9:00 a.m. and 5:00 p.m.

### 5. **RECORDS AVAILABLE**

All records of the County of Schuyler shall be available for the public inspection and copying except that the County of Schuyler may deny access to records or portions thereof that:

- a. Are specifically exempted from disclose by the state of federal stature,
- b. If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Section 89 subdivision 2 of the Public Officers Law of the State of New York,
- c. If disclosed would impair present or imminent contract awards or collective bargaining negotiations,
- d. Are trade secrets or are maintained for the regulation of commercial enterprise which is disclosed would cause substantial injury to the competitive position of the enterprise,
- e. Are compiled for law enforcement purposes and which if disclosed, would
  1. Interfere with law enforcement investigation or judicial proceedings,
  2. Deprive a person of a right to a fair trial or impartial adjudication,
  3. Identify a confidential source or disclose confidential information relating to a criminal investigation, or
  4. Reveal criminal investigative techniques or procedures, except routine techniques and procedures,
- f. If disclosed would endanger the life or safety of any person,
- g. Are inter-agency or intra-agency materials which are not,

1. Statistical or factual tabulations or data,
  2. Instructions to staff that affect the public, or
  3. Final agency policy or determinations, or
- h. Are examination questions or answers which are requested prior to the final administration of such questions.

**6. PROCEDURE FOR OBTAINING ACCESS TO RECORDS**

a. Requests to inspect or source copies of records other than a payroll record shall be submitted in writing to the Records Access Officer on a form prescribed by the County Administrator, copies of which are available in the office of the Records Access Officer.

b. The Personnel Officer shall be the custodian of the payroll records, and shall maintain a record setting forth the name, public office address, title and salary of every officer or employee of the County of Schuyler.

c. The Records Access Officer will determine and advise the requester whether the records specified in the request are available for inspection and copying.

d. With respect to records which are determined to be available, the Records Access Officer will make the records available for inspection or copying either at the Records Access Officer's office or at some other convenient place. Where copies are requested the Records Access Office will make the necessary arrangement for the preparation and certification, if requested, upon tender of the required fee.

e. The Records Access Officer shall reply to the request within five (5) business days, in writing, in all cases. If the Records Access Officer does not provide or deny access to the record sought within five (5) business days of the receipt of a request, the Records Access Officer shall furnish a written acknowledgement of receipt of the request and a statement of the approximate date when the request will be granted or denied. If access to records is neither granted nor denied within ten (10) business days the date of the acknowledgement of the receipt of a request, the request may be construed as a denial of access that may be appealed.

f. With respect to records which are determined not to be available, the Records Access Officer will note the reason for unavailability on the request form, date the form and return one copy of the form with additional notice to the requester that the decision may be applied within thirty (30) days to the Chairman of the Legislature, 105 Ninth Street, Unit 6, Watkins Glen, NY, telephone number 607-535-8100.

g. Requests by mail for copies of available records may be address to the Records Access Officer, and will be honored upon payment of the required fee, provided the requester and the record of which a copy requested are sufficiently identified to make compliance practicable.

**7. APPEALS**

a. Appeals shall be directed to the Chairman of the Legislature on forms prescribed by him, copies of which are available at the office of the Records Access Officer.

b. All appeals shall be delivered to the Records Access Officer with in thirty (30) days after the denial from which such appeal is taken.

c. Appeals will be determined be the Chairman of the Legislature or his authorized representative, but in no case by the Records Access Officer.

d. The Chairman of the Legislature shall cause to be sent copies of all appeals upon the receipt of an appeal to:

Committee on Public Access to Records  
Department of State  
162 Washington Avenue  
Albany, New York 12231

- e. The Chairman of the Legislature shall inform the appellant and the Committee on Public Access to Records of its determination in writing within seven (7) business days of receipt of an appeal.
- f. A final denial of access to a request record, as provided for in subdivision (e) of this section shall be subject to court review as provided for in Article 78 of the Civil Practice Law and Rules.

**8. FEES**

- a. There shall be no fee charged for the following:
  - 1. Inspection of records.
  - 2. Search for records, or
  - 3. Any certification pursuant to these rules.
- b. There shall be a fee for copies of available records as follows:
  - 1. Pages not larger than nine (9) inches by fourteen (14) inches in size, twenty-five (\$.25) cents per page.
  - 2. The fees for other types of copies, records, or transcripts, the actual cost of reproduction, which shall include the actual cost of clerical help, if necessary.

**9. SUBJECT MATTER LIST**

- a. The Records Retention and Disposition Schedule CO-2, as prepared by the New York State Education Department, shall be the official Subject Matter List of the County of Schuyler and all departments and agencies thereof.

**10. PUBLIC NOTICE**

The Clerk to the Legislature shall cause copies of this regulation to be posted on the bulletin boards of each County Courthouse in the County and release the same to the official newspaper of the County so that the public is informed how to request access to public records. County Department Heads shall also cause this regulation to be posted in an obvious spot within each department.

**11. EFFECTIVE DATE**

This regulation shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forward to all Department heads, Chairman of the Legislature and the Committee on Public Access Records.