

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated or do not use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

MAY 06 2013

County City Town Village
(Select one.)

of ONEIDA

MISCELLANEOUS
& STATE RECORDS

Local Law No. 3 of the year 2013

A local law AMENDING RESOLUTION NO. 74-446 OF 1975 PROMULGATING RULES AND
(Insert Title)
REGULATIONS PURSUANT TO THE FREEDOM OF INFORMATION LAW.

Be it enacted by the BOARD OF LEGISLATORS of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of ONEIDA

as follows:

That Resolution No. 74-446 of 1975 shall be amended by replacing the rules and regulations pursuant to the Freedom of Information Law with the following rules and regulations set forth below, and the amended law, in its entirety, shall now read as set forth below:

Rules and Regulation for the Freedom of Information Law

WHEREAS, Article 6 of the Public Officers Law, known as the Freedom of Information Law of the State of New York, has provided for regulations and rules which prescribes that certain records, documents and papers of municipalities, and their information, shall be available to the public, and,

WHEREAS, the County of Oneida must adopt rules and regulations to provide this information to the public, therefore,

In accordance with the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law of the State of New York, and rules and regulations promulgated by the Committee on Open Government, the County of Oneida promulgates the following regulation:

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20¹³ of the (County)(City)(Town)(Village) of Oneida was duly passed by the Board of Legislators on April 10 20¹³, and was (approved)(~~not approved~~) ~~(repassed after disapproval)~~ by the County Executive and was deemed duly adopted on April 24 20¹³, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

- Section 1. Purpose
2. Definitions
3. Procedure for Obtaining Records
4. Subject Matter List of Records
5. Fees
6. Prevention of the Unwarranted Invasion of Personal Privacy
7. Grant or Denial of Access to Records
8. Appeals
9. Effective Date

Section 1. Purpose.

The purpose of this regulation is to set forth the methods and procedures governing the availability, location and nature of those records of the County of Oneida subject to the provisions of Article 6 of the Public Officers Law, known as the Freedom of Information Law.

Section 2. Definitions.

For the purposes of this regulation:

- a. "County" means the County of Oneida, New York.
- b. "Record" or "records" means any information kept, held, filed, produced or reproduced by, with or for the County, in any physical form whatsoever, constituting:
 - i. final opinions and orders made in the adjudication of cases;
 - ii. statements of policy and interpretations which have been adopted by the County and any statistical or factual tabulations which led to the formation thereof;
 - iii. minutes of public hearing held by the County;
 - iv. external audits and statistical or factual tabulations made for the County;
 - v. administrative staff manuals and instructions to staff that affect members of the public;
 - vi. the payroll record; and
 - vii. any other information required by any provision of law to be made available for public inspection.
- c. As used in this subdivision, "statistical tabulation" means a collection or orderly presentation of numerical data logically arranged in columns and rows or graphically, and "factual tabulation" means a collection of statements of objective information logically arranged and reflecting objective reality, actual existence, or an actual occurrence. Opinions, policy options and recommendations do not constitute statistical or factual tabulations.
- d. "Payroll record" means an itemized record setting forth the name, business address, title and salary of every officer and employee of the County.
- e. "Workday" means any day except Saturday, Sunday, a public holiday or a day on which the Oneida County Office Building is otherwise closed for general business.
- f. "Regular working hours" means the hours between 9:00 a.m. and 5:00 p.m., or such other hours as may be established by the County as workday hours.
- g. "Clerk" means the Oneida County Clerk, or any of his or her assistants or any employee of the County designated by the Clerk to perform any or all of his or her functions hereunder.
- h. "Commissioner of Personnel" means the Oneida County Commissioner of Personnel, or any of his or her assistants or any employee of the County designated by the Commissioner of Personnel to perform any or all of his or her functions hereunder.
- i. "Fiscal Officer" means the officer or employee of the County responsible for certifying the Oneida County payroll.

Section 3. Procedure for Obtaining Records

a. The Clerk shall be the custodian of the records of the County, other than the payroll record. Any person wishing to inspect and/or obtain a copy of any such record, other than the payroll record, may make an application to the Clerk. Such application shall be in writing. Blank application forms may be obtained from the Clerk either: (a) personally on any workday during regular working hours at the office of the Clerk at the Oneida County Office Building in Utica, New York; (b) by mail, addressed to such office; or (c) on the County website: <http://ocgov.net/countyclerk>. Completed forms may be submitted to the Clerk either: (a) personally at such office on any workday during regular working hours; (c) by mail, addressed to such office or to such other office as the Clerk may specify on the application form; or (d) by electronic mail, addressed to countyclerk@ocgov.net or to such other address as the Clerk may specify on the application form. Within five (5) business days of the receipt of an application, in the proper form and at the appropriate time, the Clerk shall: (a) inform applicant that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable such applicant to request the records reasonably described; (b) make the record available; (c) deny the request in whole or in part, in writing, as provided in section 7 of this regulation; or (d) furnish a written acknowledgement of the receipt of the application and a statement of the approximate date, reasonable under the circumstances, when the request will be granted or denied in whole or in part. If a request is granted in whole or in part, but circumstances prevent disclosure to the person requesting the record within twenty (20) business days from the date of the acknowledgement of the receipt of the application, the Clerk shall state in writing the reason for the inability to grant the request within twenty (20) business days and a date certain within a reasonable period when the request will be granted in whole or in part. If an request is granted in whole or in part, upon payment of or offer to pay the prescribed fee, if applicable, the Clerk shall: (a) provide a copy of the record and certify to the correctness of the copy if so requested; or (b) certify that he or she does not have possession of the record, or the record cannot be found after a diligent search. The Clerk, in his or her discretion, may waive compliance with any formality prescribed by this subdivision, including the use of application forms prescribed by the Clerk.

b. The Fiscal Officer shall be the custodian of the payroll record of the County. Any person wishing to inspect and/or obtain a copy of such payroll record may make an application to the Fiscal Officer in writing. Blank application forms may be obtained either: (a) personally on any workday during regular working hours at the office of the Fiscal Officer at the Oneida County Office Building in Utica, New York; (b) by mail, addressed to such office; or (c) on the County website: <http://ocgov.net/countyclerk>. Applications to inspect and/or obtain a copy of such payroll record shall be made: (a) personally on any workday during regular working hours at such office, or such other place as he or she may direct; (b) by mail, addressed to such office or to such other office as the Fiscal Officer may specify on the application form; or (c) by electronic mail, addressed to comptroller@ocgov.net or to such other address as the Fiscal Officer may specify on the application form. Within five (5) business days of the receipt of such an application, in the proper form and at the appropriate time, the Fiscal Officer shall search for and produce for inspection the payroll record, and/or a copy shall be provided to the applicant if one is requested.

Section 4. Subject Matter List of Records.

On behalf of the County, the Clerk shall maintain and make available for inspection and copying at his or her office a current list, reasonably detailed by subject matter, of all the types of records in the County's possession, whether or not subject to disclosure pursuant to subdivision 2 of section 87 of the Public Officers Law. Such list shall be updated annually by the Clerk, with the date of the most current update indicated on such list, and shall be in conformity with such regulations as may be promulgated by the Committee on Open Government. Any person desiring a copy of such list may request a copy thereof personally, by mail or by electronic mail as provided for in section 3 of this regulation, and one shall be supplied to him or her.

Section 5. Fees.

The fee for photocopies of records shall be such reasonable amounts as the Clerk shall establish, not in excess of twenty-five cents per photocopy. The fees for other types of records shall be such reasonable amounts as the Clerk shall also establish in accordance with subdivision c of subdivision 1 of Section 87 of the Public Officers Law. The applicant shall be informed of the estimated cost of preparing a copy if more than two hours of the Clerk's time is needed, or an outside professional service would be retained, to prepare a copy of the record. The fee for copies of records involving electronic information shall be such reasonable amounts as the Clerk shall establish based on the actual cost of reproduction. Notwithstanding the above, the Clerk may, in his or her discretion, waive all or any portion of the fees authorized by this section for copies of records.

Section 6. Prevention of Unwarranted Invasions of Personal Privacy.

In accordance with the provisions of subdivision 2 of Section 89 of the Public Officers Law and in conformity with such guidelines as may be promulgated by the Committee on Open Government regarding the prevention of unwarranted invasions of personal privacy, the Clerk may deny access to records or portions of records that would result in an unwarranted invasion of personal privacy prior to making such record available for inspection and/or copying. Disclosures of records made in accordance with provisions of subdivision c of subdivision 2 of Section 89 of the Public Officers Law will not constitute an unwarranted invasion of personal privacy. In the event that the record is such that the personal matters cannot be fully deleted without substantially affecting the record or the identifying details cannot be effectively deleted, the Clerk shall deny access to such record or portions thereof, which will represent a denial of the request, as provided in section 7 of this regulation.

Section 7. Grant or Denial of Access to Records.

If the Clerk determines that an application to inspect and/or copy records pertains to information required to be disclosed under the Freedom of Information Law or other law, and is not exempt from disclosure as an unwarranted invasion of personal privacy or otherwise pursuant to subdivision 2 of section 87, subdivision 2 of section 89, of the Public Officers Law, or any other law, he or she shall grant the application. The Clerk shall deny an application to inspect and/or copy records if it pertains to information specifically exempt from disclosure by subdivision 2 of Section 87 of the Public Officers Law or under section 6 of this regulation pursuant to the provisions of subdivision 2 of Section 89 of the Public Officers Law, or any other law. In denying any application to inspect and/copy records the Clerk shall indicate, in writing, his or her reasons for such denial and shall advise the applicant of his right to appeal such denial to the Commissioner of Personnel.

Section 8. Appeals.

Any person whose applicant to inspect and/or copy records has been denied pursuant to section 7 of this regulation may appeal such denial to the Commissioner of Personnel at his/her office at the Oneida County Office Building, Utica, New York, telephone number: (315) 798-5725, within thirty (30) days of the denial. Such appeal must be in writing and must set forth: (a) the name and address of the applicant; (b) a description of the records denied; and (c) the date and location of the denial. The Commissioner of Personnel, within ten (10) business days of receipt of a written appeal, shall review the matter, and affirm, modify or reverse the denial. If the Commissioner of Personnel affirms or modifies the denial, he shall: (a) communicate in writing his or her reasons for such affirmation or modification to the person making the appeal; and (b) inform such person of his or her right to appeal such affirmation or modification under Article 78 of the Civil Practice Law and Rules.

Section 9. Effective Date.

Whereas the Freedom of Information Law became effective on September 1, 1974, and there have been numerous amendments thereof, and whereas this regulation is essential to the effective implementation of such law as it regards the records of the County, this updated regulation is hereby adopted by the County and shall take effect on the 10th day of April, 2013.

5. (City local law concerning Charter revision proposed by petition.)

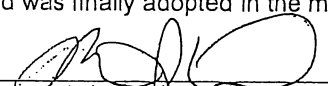
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ² above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: _____

5/1/13

(Seal)