

On motion of TRUSTEE_____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

Resolution #105-2022

WHEREAS, the Legislature of the State of New York adopted the “Freedom of Information Law” (Public Officers Law, Article 6, Freedom of Information Law, §84 et. seq.); and

WHEREAS, it is in the public’s interest to have access to records of the government in accordance with the provisions of the Freedom of Information Law; and

WHEREAS, the Village of Croton–on–Hudson wants to promote the interests of the public by providing access to records of the Village in accordance with the provisions of the Freedom of Information Law; and

WHEREAS, in 1974 the Village of Croton–on–Hudson adopted rules and regulations to implement the legislative intent of the Freedom of Information Law; and

WHEREAS, on May 1, 2000 the 1974 resolution was repealed and updated; and

WHEREAS, the Village wishes to update and revise its rules and regulations relating to access to public records under the Freedom of Information Law,

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Croton–on–Hudson hereby repeals the rules and regulations adopted on May 1, 2000, and any amendments thereto, which were enacted to implement the provisions of the Freedom of Information Law,

AND BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Croton–on–Hudson hereby adopts the appended rules and regulations to implement the provisions of the Freedom of Information Law,

AND BE IT FURTHER RESOLVED, that should the appended rules and regulations conflict with the provisions of the Freedom of Information Law (Public Officers Law, Article 6, §84 et seq.), then the rules and regulations are to be deemed amended to conform to the provisions of the Freedom of Information Law.

PUBLIC ACCESS TO THE RECORDS OF THE VILLAGE OF CROTON-ON-HUDSON

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Section 1 Purpose and scope.

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

Section 2 Designation of records access officer.

- (a) The Board of Trustees of the Village of Croton-on-Hudson is responsible for ensuring compliance with the regulations herein, and designates the following persons as records access officers:

- (1) The Village Clerk.

- (2) Any Deputy Village Clerk in the absence of the Village Clerk.

- (b) Records access officers are responsible for insuring appropriate agency response to public requests for access to records. The designation of records access officers shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

Records access officers shall insure that personnel:

- (1) Maintain an up-to-date subject matter list.
 - (2) Assist the requester in identifying requested records, if necessary.
 - (3) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,

- (ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (4) Upon request for copies of records, the Village of Croton-on-Hudson (hereinafter the "Village") shall make copies available upon payment of the established fee, if any, in accordance with the provisions of the Freedom of Information Law and Section 8 hereof.
- (5) Upon request, certify that a record is a true copy; and
- (6) Upon failure to locate records, certify that:
 - (i) The Village is not the custodian for such records, or
 - (ii) The records of which the Village is a custodian cannot be found after diligent search.

Section 3 Location.

Records shall be available for public inspection and copying at the Stanley H. Kellerhouse Municipal Building, One Van Wyck Street, Croton-on-Hudson, New York.

Section 4 Hours for public inspection.

Request for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are Monday through Friday, 8:30 a.m. to 4:00 p.m., excluding holidays.

Section 5 Requests for public access to records:

- (a) A written request may be required, but oral requests may be accepted when the records are readily available.
- (b) A response shall be given regarding any request reasonably describing the record or records sought within five business days of receipt of the request.
- (c) A request shall reasonably describe the record or records sought. Whenever possible a person requesting records should supply information regarding dates, file designations or other information that may help to describe the records sought.
- (d) If the records access officer does not provide or deny access to the records sought within five business days of receipt of a request, then, within that same five-day time period, he or she shall furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

Section 6 Subject matter list.

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision three of Section Eighty-Seven of the Public Officers Law.

(b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

Section 7 Denial of access to records.

(a) Denial of access to records shall be in writing stating the reason therefore and advising the requester of the right to appeal to the person or body established to determine appeals.

(b) If requested records are not provided promptly, as required by Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The Village Manager shall determine appeals regarding denial of access to records under the Freedom of Information Law.

(d) The time for deciding an appeal by the person or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) The date of the appeal.

(2) The date and location of the request for records.

(3) The records to which the requester was denied access.

(4) Whether the denial of access was in writing or due to failure to provide records promptly as required by Section 5; and

(5) The name and return address of the requester.

(e) The person or body designated to determine appeals shall inform the requester of a decision in writing within ten business days of receipt of an appeal.

(f) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to the following address or other proper address for the Committee on Open Government:

Committee on Open Government

Department of State

One Commerce Plaza

99 Washington Avenue

Suite 650

Albany, New York 12231

(g) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth in subdivision (f) of this section.

Section 8 Fees

(a) The fee for photocopying records which do not exceed 9 by 14 inches in size is twenty-five cents (25¢) per page.

(b) The fee for copies of records, other than photocopies which are 9 by 14 inches or less in size, shall be the actual copying cost, excluding fixed agency costs such as salaries.

(c) There shall be no fees charged for:

- (1) inspection of records;
- (2) search for records; or
- (3) any certification pursuant to this part.

Section 9 Public notice.

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability.

If any provision of these regulations or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

Date: July 5, 2022