

Dave Colavito
145 Bowers Road
Rock Hill, NY 12775
845-794-1964

9 April 2025

Sullivan County Legislature
100 North St.
Monticello, NY 12701

Subject: File # ID-7319, To adopt Public Records Access Policy for the County of Sullivan

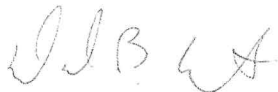
Legislature:

My remarks are intended as public comment and for entry into the record for the 10 April 2025 Management & Budget Committee meeting's consideration of the subject resolution [Resolution], which, as drafted, raises concerns and questions.

1. To begin with, furtherance of the Resolution's stated objective of transparency to the public begs communicating to the public where the county apparently had been out of compliance with NYS and Federal Freedom of Information Laws [FOIL]. In other words, why now, after many years, is the county manager recommending adoption of, or codifying, a new policy which otherwise appears to be a solution in search of a problem?
2. While "*Regulations for Public Access to Records for Sullivan New York*" [Regulations] are referred to multiple times, it appears they either do not yet exist or aren't included in the Resolution (or both) and are misidentified as either section 7 or section 9, depending on the location of their reference in the Resolution.

3. The Resolution tasks the *Records Access Officer* [RAO] with certain responsibilities, yet, to my knowledge, such a position does not exist in our county government.
4. Training for the RAO and Appeals Officer [AO], should be an essential obligation of the county manager, if only by virtue of the potential for legal liability attending the new requirement to ‘certify’ all denials of FOIL requests – a class E Felony for knowingly falsely stating responsive records aren’t available to the public. As the Resolution makes clear, *“The Sullivan County Manager is responsible for ensuring the County’s compliance with FOIL Law, including appropriate response to public requests for access to records ...”* However, what the Resolution does not make clear is precisely who -- among the County Manager, County Manager’s Office, RAO, and AO – is responsible for potential non-compliance – if everyone is responsible, no one is responsible.
5. Why is the RAO required to notify *“... an employee of Sullivan County when a request for their disciplinary records is received.”*
6. Why is the AO now required to *“... deliver upon receipt, copies of all appeals to the [NYS] Committee on Open Government.”*
7. The Resolution indicates that, *“Departments are authorized to provide photocopies at no charge or at a reduced charge, if requested by the person requesting access to the records.”* But who else, other than the person requesting the records, would be requesting them?

Dave Colavito



cc: AnnMarie Martin, Clerk to the Legislature

Colavito, Public Records Access Policy