



for Adoption

City of Cortland Code of Ethics ARTICLE XXIII

§ C23-1. Purpose.

Officers and employees of the City of Cortland, New York, hold their positions to serve and benefit the public and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Cortland City Council recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This Code of Ethics establishes those standards.

§ C23-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD

The governing board of a municipality and any municipal administrative board (e.g., planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.

CODE

This Code of Ethics.

INTEREST

A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than five percent (5%) of the organization's outstanding stock.

MUNICIPALITY

The City of Cortland, New York. The word "municipal" refers to the municipality.

MUNICIPAL OFFICER OR EMPLOYEE

A paid or unpaid officer or employee of the City of Cortland, New York, including but not limited to the members of any municipal board.

RELATIVE

A spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

§ C23-3. Applicability.

This Code of Ethics applies to the officers and employees of the City of Cortland, New York, and shall supersede any prior municipal code of ethics. The provisions of this Code of Ethics shall apply in addition to all applicable state and local laws relating to conflicts of interest and ethics, including but not limited to Article 18 of the General Municipal Law, and all rules, regulations, policies and procedures of the City of Cortland, New York.

§ C23-4. Prohibition on use of municipal position for personal or private gain.

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

§ C23-5. Disclosure of interest in legislation and other matters.

- A. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.
- B. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- C. In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person's supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person's position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

§ C23-6. Recusal and abstention.

- A. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- B. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

1. If the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board;
2. If the power or duty is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function; or
3. If the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

§ C23-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

- A. This code's prohibition on use of a municipal position (§ 23-4), disclosure requirements (§ 23-5), and requirements relating to recusal and abstention (§ 23-6) shall not apply with respect to the following matters:
 1. Adoption of the municipality's annual budget;
 2. Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - a. All municipal officers or employees;
 - b. All residents or taxpayers of the municipality or an area of the municipality; or
 - c. The general public; or
 3. Any matter that does not require the exercise of discretion.
- B. Recusal and abstention shall not be required with respect to any matter:
 1. Which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by § 23-6 of this code;
 2. Which comes before a municipal officer when the officer would be prohibited from acting by § 23-6 of this code and the matter cannot be lawfully delegated to another person.

§ C23-8. Investments in conflict with official duties.

- A. No municipal officer or employee may acquire the following investments:
 1. Investments that can be reasonably expected to require more than sporadic recusal and abstention under § 23-6 of this code; or
 2. Investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- B. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:
 1. Real property located within the municipality and used as his or her personal residence;
 2. Less than 5% of the stock of a publicly traded corporation; or
 3. Bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

§ C23-9. Private employment in conflict with official duties.

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- A. Can be reasonably expected to require more than sporadic recusal and abstention pursuant to § 23-6 of this code;
- B. Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- C. Violates § 805-a(1)(c) or (d) of the General Municipal Law; or
- D. Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

§ C23-10. Future employment.

- A. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- B. No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
- C. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a municipal officer or employee.

§ C23-11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a municipal officer or employee from:

- A. Representing himself or herself, or his or her spouse or minor children, before the municipality;
or
- B. Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

§ C23-12. Use of municipal resources.

- A. Municipal resources shall be used for lawful municipal purposes. Municipal resources include but are not limited to municipal personnel and the municipality's money, vehicles, equipment, materials, supplies or other property.

- B. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
 - 1. Any use of municipal resources authorized by law or municipal policy;
 - 2. The use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
 - 3. The occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

- C. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

§ C23-13. Interest in contracts.

- A. No municipal officer or employee may have an interest in a contract that is prohibited by § 801 of the General Municipal Law.

- B. Every municipal officer and employee shall disclose interest in contracts with the municipality at the time and in the manner required by § 803 of the General Municipal Law.

§ C23-14. Political solicitations.

- A. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

- B. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

§ C23-15. Confidential Information.

No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§ C23-16. Gifts.

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of § 805-a(1)(a) of the General Municipal Law, as interpreted in this section.

- B. No municipal officer or employee may directly or indirectly solicit any gift.

- C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of \$75 or more when:
 - 1. The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - 2. The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - 3. The gift is intended as a reward for any official action on the part of the officer or employee.

- D. For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed Seventy-Five and 00/100 Dollars (\$75.00) must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most-recent gift.

- E. Intention
 - 1. A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - 2. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding 12 months.

- F. This section does not prohibit any other gift, including:
 - 1. Gifts made to the municipality;
 - 2. Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - 3. Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
 - 4. Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, notepads, and calendars;
 - 5. Awards and plaques having a value of Seventy-Five and 00/100 Dollars (\$75.00) or less which are publicly presented in recognition of service as a municipal officer or employee or other service to the community; or
 - 6. Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

- G. This prohibition shall not apply to political contributions made to an individual who is seeking municipal office.

§ C23-17. Board of Ethics.

- A. There is hereby established a Board of Ethics for the municipality. The Board of Ethics shall consist of five (5) members, a majority of whom shall not be officers or employees of the municipality, but at least one of whom must be a municipal officer or employee. The members of such Board of Ethics shall be appointed by the Mayor, serve at the pleasure of the Mayor, and receive no salary or compensation for their services as members of the Board of Ethics.
- B. The Board of Ethics shall render advisory opinions to the officers and employees of the City of Cortland with respect to Article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such officer or employee under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the advice of legal counsel employed by the Board, or if none, the municipality's legal counsel. In addition, the Board of Ethics may make recommendations with respect to the drafting and adoption of a Code of Ethics, or amendments thereto, upon the request of the Common Council of the City of Cortland.

§ C23-18. Posting and distribution.

- A. The Mayor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within 10 days following the date on which the code takes effect. An amendment to the code must be posted within 10 days following the date on which the amendment takes effect.
- B. The Mayor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the City of Cortland.
- C. Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the City Clerk who must maintain such acknowledgments as a public record.
- D. The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this Code of Ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

§ C23-19. Enforcement.

Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

§ C23-20. When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

*Current
in place*

**ARTICLE XXIII
Code of Ethics**

§ C23-1. General provisions.

Pursuant to the provisions of § 806 of the General Municipal Law, the Common Council of the City of Cortland recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this article to promulgate these rules of ethical conduct for the officers and employees of the City of Cortland. These rules shall serve as a guide for official conduct of the officers and employees of the City of Cortland. The rules of ethical conduct of this article, as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ C23-2. Definitions.

As used in this article, the following words shall have the meanings indicated:

INTEREST — The term "interest" means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee; their spouse, minor children or dependents; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation, any stock of which is accrued or controlled directly or indirectly by such officer or employee; unless the context otherwise requires. **[Amended 4-2-2002 by L.L. No. 1-2002]**

MUNICIPAL OFFICER OR EMPLOYEE — The term "Municipal officer or employee" means an officer or employee of the City of Cortland, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "municipal officer or employee" solely by reason of being a volunteer firefighter or civil defense volunteer.

§ C23-3. Standards of conduct.

Every officer or employee of the City of Cortland shall be subject to and abide by the following standards of conduct:

- A. They shall not, directly or indirectly, solicit any gifts, or accept or receive any gift having a value of \$75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, from any person, firm or corporation which to their knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the City, nor shall they accept any such gift under circumstances in which it could reasonably be inferred that the gift was intended to influence them, or could reasonably be expected to influence them, in the performance of their official duties or was intended as a reward for any official action on their part. **[Amended 4-2-2002 by L.L. No. 1-2002]**

- B. They shall not disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interest.
- C. They shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which they are an officer, member or employee or of any municipal agency over which they have jurisdiction or to which they have the power to appoint any officer, member or employee.
- D. They shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in any relation to any matter before any agency of their municipality, whereby their compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees, based upon the reasonable value of the services rendered.
- E. To the extent that they know thereof, a member of the Common Council and any officer or employee of the City of Cortland, whether paid or unpaid, who participates in the discussion or gives official opinion to the Common Council on any legislation before the Common Council, or who has an interest in any action of the legislative body, or who participates in the discussion or gives official opinion of any official board, agency, officer or employee on any matters being considered by any such official board, agency, officer or employee, shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such legislation or in any action of the legislative body or shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest they have in such matters being considered by any official board, agency, officer or employee, as the case may be.
- F. They shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction, which creates a conflict with their official duties.
- G. They shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of their official duties.
- H. They shall not, after the termination of service or employment with such municipality, appear before any board or agency of the City of Cortland in relation to any case, proceeding or application in which they personally participated during the period of their service or employment or which was under their active consideration.
- I. No officer or employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit of themselves or any other person; except, however, when such property, vehicles, equipment, material or services are available to the public generally or which are provided as a matter of City policy for the use of officers or employees in the conduct of their

official business.

- J. No appointed officer or employee shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution to any political party or candidate from any City employee or officer, nor shall be be a party to such solicitation of others.
- K. It is unlawful for City employees in uniform to solicit any person to vote at any political caucus, primary or election for any candidate or to challenge any voter, or in any manner to attempt to influence any voter at any political caucus, primary or at any election.

§ C23-4. Claims against City.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Cortland, or any agency thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ C23-5. Ethics Board.

There shall be an Ethics Board of five members appointed by the Mayor with confirmation by the Council to serve three-year terms. Two members of the Board shall be officers of the City, and three shall be neither officers nor employees of the City. It shall be the duty of the Ethics Board to review all instances of possible violation of the Code of Ethics and, upon a majority vote of the whole, to make a written report of its review and recommendations to the Mayor and Common Council. The Board shall at its first meeting each year elect a Chair. It shall meet at the request of any two members, the Chair, the Mayor or the Common Council.

§ C23-6. Distribution of Code of Ethics.

The Mayor of the City of Cortland shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the City within 14 days after the effective date of this Charter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment.

§ C23-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law. Any such violator of any of the provisions of this article shall be guilty of a violation and may be punished by a fine not exceeding \$100; if such violator is suspended or removed from office or employment, the fine shall not be invoked.



CITY OF CORTLAND RECORDS ACCESS POLICY DRAFT

ADOPTED BY THE CITY OF CORTLAND ON [DATE]

PURSUANT TO RESOLUTION NO. __ OF 2022

The city of Cortland shall abide by the New York State Freedom of Information Law pursuant to Article 6 of the Public Officers Law. The city hereby implements policies required by law.

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PURPOSE

It is the intent of this policy to enhance access to public and non-protected documents and records held by the city of Cortland ("city"). This policy is drafted in accordance with the Freedom of Information Law of the State of New York (Public Officers Law Article 6 Section 87).

APPLICABILITY

Subdivision 1(a) of section 87 of the Public Officers Law requires the governing body of each public corporation to promulgate uniform rules and regulations for all agencies in such public corporation pursuant to rules and regulations promulgated by the committee on open government at 21 NYCRR Part 1401, and in conformity with the provisions of Article 6 of the Public Officers Law.

This policy shall apply to all agencies, departments, boards, and commissions of the city of Cortland.

DEFINITIONS

"Agency" shall mean any department, office, board, or commission established by the city of Cortland.

"Record" means any information kept, held, filed, produced, or reproduced by, with or for An agency of the city of Cortland, in any physical form including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

AVAILABILITY OF RECORDS

Designation of records access officer

The city clerk shall be deemed the records access officer. In their absence, the corporation counsel shall be deemed the records access officer for the duration of the clerk's absence. The duties of the records access officer shall be as recommended by the state of New York in rules published by the committee on open government at 21 NYCRR Part 1401.2.

The records access officer shall have the duty of coordinating departmental and other agency response to public requests for access to records. The records access officer may be contacted via mail at 25 Court Street, Cortland NY 13045, email at cityclerk@cortland.org, and facsimile at (607) 756-4644.

The designation of a records access officer shall not be construed to prohibit city officials who have been authorized to make records or information available to the public from continuing to do so.

The records access officer is responsible for assuring that agency personnel:

1. maintain an up-to-date subject matter list.
2. assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
3. contact persons seeking records when a request is voluminous or when locating the records sought involves substantial effort, so that agency personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of the records requested.
4. upon request and location of records, take one of the following actions:
 - a. make records promptly available for inspection; or
 - b. deny access to the records in whole or in part and explain in writing the reasons therefor.

5. upon request, certify that a record is a true copy.
6. upon failure to locate records, certify that:
 - a. the agency is not the custodian for such records; or
 - b. the records of which the agency is a custodian cannot be found after diligent search.

Subject matter list

Each agency shall maintain a reasonably detailed current list, by subject matter, of all records in its possession. Such list shall include records which are not publicly available pursuant to subdivision 2 of section 87 of the Public Officers Law, and which are outlined below, and shall also note such records which are not publicly available. The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

Each agency shall update its subject matter list annually during the month of January. Each agency shall provide the records access officer with subject matter lists as updated and make such list available upon public request. The date of the most recent update shall be conspicuously indicated on the list.

Agency contacts

Each agency shall designate a primary contact person for records requests. Each agency shall provide the records access officer the contact name, address, email and phone number annually during the month of January. Each agency shall provide the records access officer with records request primary contact as updated and make such information available upon public request. The date of the most recent update shall be conspicuously indicated.

Location of records

Records viewable for public inspection shall be made available at 25 Court Street, Cortland, NY 13045, or other appropriate locations identified by the records access officer, during the hours listed below. This is not to require that all records be maintained or stored at that location, but only that they be made viewable at that location. This also does not require that all requests for inspection be complied with upon submission, but instead as later dictated by this policy.

Access to viewing records/hours for inspection

Records that are not protected shall be made viewable to the public at a reasonable time. Reasonable times for the request of documents shall be Mondays to Fridays, from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m., during non-holidays. Records may be made viewable to the public during other times at the discretion of the agency.

Fees for copying

1. An agency shall not charge a fee for the following:
 - a. inspection of records for which no redaction is permitted;
 - b. search for, administrative costs of, or employee time to prepare photocopies of records;
 - c. review of the content of requested records to determine the extent to which records must be disclosed or may be withheld;
 - d. any certification required pursuant to 21 NYCRR Part 1401; or
 - e. records which are able to be transmitted electronically
2. An agency may charge a fee for photocopies of records, provided that:
 - a. the fee shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches;

- b. the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction.
3. The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
 - a. an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - b. the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - c. the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
4. When an agency can retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall retrieve or extract such record or data electronically. In such case, the agency shall not charge a fee, provided that the agency may charge a fee in accordance with paragraph 3.a., 3.b., and 3.c. above.
5. An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
6. An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
7. An agency may waive a fee in whole or in part when making copies of records available.

These policies shall be published on the city website.

Medium and availability

An agency shall provide records on the medium requested by a person, if the agency can reasonably make such copy or have such copy made by engaging an outside professional service. Records provided in a computer format shall not be encrypted.

No agency shall enter into or renew a contract for the creation or maintenance of records if such contract impairs the right of the public to inspect or copy the agency's records.

PUBLIC DOCUMENTS DEFINED AND OBLIGATIONS TO DISCLOSE

Documents to be maintained and disclosed

Documents which must be maintained and made public include:

Each agency shall maintain:

1. a record of the final vote of each member in every agency proceeding in which the member votes;
2. a record setting forth the name, public office address, title and salary of every officer or employee of the agency; and
3. a reasonably detailed current list by subject matter, of all records in the possession of the agency, whether or not publicly available.

Law enforcement records

A law enforcement agency responding to a request for law enforcement disciplinary records, as defined in Section 86 of the Public Officers Law, shall redact any portion of such record containing the information specified in subdivision 2-b of Section 89 of the Public Officers Law prior to disclosing such record.

Exempted from disclosure

Each agency shall make available for public inspection and copying all records, except that such agency may deny access to records, or portions thereof, that:

1. are specifically exempted from disclosure by state or federal statute.
2. if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section 89 of Article 6.
3. if disclosed would impair present or imminent contract awards or collective bargaining negotiations.
4. are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise.
5. are compiled for law enforcement purposes and which, if disclosed, would:
 - a. interfere with law enforcement investigations or judicial proceedings;
 - b. deprive a person of a right to a fair trial or impartial adjudication;
 - c. identify a confidential source or disclose confidential information relating to a criminal investigation; or
 - d. reveal criminal investigative techniques or procedures, except routine techniques and procedures.
6. if disclosed could endanger the life or safety of any person;
7. are inter-agency or intra-agency materials which are not:
 - a. statistical or factual tabulations or data;
 - b. instructions to staff that affect the public;
 - c. final agency policy or determinations; or
 - d. external audits, including but not limited to audits performed by the comptroller and the federal government; or
8. are examination questions or answers which are requested prior to the final administration of such questions.
9. if disclosed, would jeopardize the capacity of an agency or an entity that has shared information with an agency to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures; or
10. are photographs, microphotographs, videotape, or other recorded images prepared under authority of the Vehicle and Traffic Law Sections 1111-a and 1111-b (to be repealed December 1, 2024); or Section 1111-c (to be repealed September 20, 2025); or Section 1111-d (to be repealed December 1, 2024); or Section 1180-b (to be repealed July 1, 2022); or Section 1180-d (to be repealed September 6, 2024); or Section 1174-a (to be repealed December 1, 2024).
11. are data or images produced by an electronic toll collection system under authority of Article 44-C of the Vehicle and Traffic Law and in Title III of Article 3 of the Public Authorities Law.

Right to Protect Personal Privacy

Documents do not have to be disclosed if they would result in an invasion of the personal privacy of the agency members or employees. An unwarranted invasion of personal privacy includes, but is not limited to:

1. disclosure of employment, medical or credit histories or personal references of applicants for employment;
2. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
3. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or the city in maintaining it;
4. disclosure of information of a personal nature reported in confidence to the city and not relevant to the ordinary work of the city; or
5. information of a personal nature contained in a workers' compensation record, except as provided by Section 110-a of the Workers' Compensation Law.

Disclosure does not constitute an unwarranted invasion of personal privacy:

1. when identifying details are deleted;
2. when the person to whom a record pertains consents in writing to disclosure;
3. when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.

PROCEDURES UPON RECEIVING FOIL REQUEST

Response within five business days; fulfillment of request within twenty days

The city and its agencies, within five business days of the receipt of a written request for a record reasonably described shall respond by:

1. granting access to record in whole or in part;
2. denying access to records in whole or in part;
3. informing a person requesting records that the request, or portion of the request, does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
4. acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, provided that:

Fulfillment of request beyond twenty days

If it is known that circumstances prevent disclosure within twenty business days from the date of acknowledgment, the agency shall notify the requester in writing, stating the reason for the inability to grant the request within that twenty business days, and shall state a date certain, within a reasonable period under the circumstances of the request, when the request will be granted.

If an agency is unable to disclose records within twenty business days from the date of acknowledgment, the agency shall also notify the records access officer in writing stating the reason for the inability to grant the request within that twenty business days, and shall state a date certain, within a reasonable period under the circumstances of the request, when the request will be granted.

Electronic and internet records

When an agency maintains a record in electronic format, the agency may respond by transmitting the record to the requester via electronic means. When an agency maintains a record on the internet, the agency may respond by providing the appropriate internet address. In both such instances, the response shall also inform the requester that the records are also available in printed form or other information storage medium and shall be provided in such manner upon request.

No requirement to create documents

Nothing requires the city to prepare any record not possessed or maintained by the city, except that if the file is on a computer program, reasonable efforts shall be made to extract the data. If the document does not exist, the city will notify the person making the request that the city does not maintain the document.

DENIALS TO RECORDS

Denial of access shall be made in writing stating the reason therefor and advising the person denied access of their right to appeal in writing to the mayor. The statement of denial shall include the mayor's address at 25 Court Street, Cortland NY 13045 and their phone number 607-753-0872.

When denying access to a record in whole or in part, the agency shall transmit a copy of the denial to the city clerk and corporation counsel.

APPEALS OF DENIALS TO RECORDS

The mayor is designated records access appeals officer. A person denied access to a record has thirty days to appeal the denial in writing to the mayor. If an agency receives an appeal, it shall direct the appeal to the mayor. The mayor shall have ten business days after the receipt of the appeal to fully explain in writing the reasons for the denial to the person requesting the record. Alternatively, the mayor may grant access to the record. The mayor must also notify the state committee on open government of the appeal and send a copy of the appeal and the determination to the committee.

PUBLIC NOTICE

The city shall publicize by posting in a conspicuous location and on its website:

1. the locations where records shall be made available for inspection and copying.
2. the name, title, business address and business telephone number of the designated records access officers.
3. the right to appeal by any person denied access to a record and the name and business address of the person or body to whom an appeal is to be directed.