

Some helpful tips on using the Freedom of Information and Open Meetings Laws

*For both laws, the best source of information is the NYS Committee on Open Government.
<http://www.dos.state.ny.us/coog/>*

Freedom of Information Law

Yorktown's procedure

1. Making requests. Requests should be submitted to the Town Clerk, by letter or email. Alternately, if you know which department has the records you are seeking, you can approach the department directly. It will be up to the department head whether he or she wants you to submit a formal request to the Town Clerk's office.
2. Appeals procedure. If your request is denied, an appeal can be submitted to the Appeals Committee, comprised of the Town Clerk, a member of the Town Board and the Town Attorney, which then must respond to your appeal within 10 business days. The Committee must explain, in writing, the reasons for denying the request or provide access to the requested record/s. If the town fails to respond to your appeal in 10 business days, the appeal is considered to have been denied. If your appeal is denied, you can file an Article 78 lawsuit challenging the denial.
3. Certification. If you are told that the record/s you are seeking do not exist but you have reason to believe that they do exist, you can ask for a "certification" that every effort has been made to locate the record/s you are seeking. (This sometimes "shakes the tree.")
4. Inspecting documents. You can also request to "inspect" documents and then, after inspection, request copies of certain documents.
5. Fees. Yorktown does not charge for documents sent digitally. All other fees are 25 cents per page, except for the Assessor's Office, as well as copies of maps.

General tips

1. Always keep in mind that the basic premise of FOIL is the presumption that ALL records should be accessible to the public, except in a few specified instances. Familiarize yourself with the allowable exclusions.
1. Be as specific as you can about the record/s you are seeking.
2. The Town is only required to provide records that exist; it is under no obligation to create" a record for you. So before you make a request, familiarize we yourself with how spec ific data you are requesting is kept.
3. FOIL requests must be for specific documents and cannot be used to ask questions.
4. If in doubt about whether the town is comp,llying with the law, review the advisory opinions at http://www.dos.ny.gov/coog/foil_listing/findex.html

Open Meetings Law

Yorktown procedures

1. Special meetings or changes in meeting times. If meetings are scheduled less than a week in advance, notice must be given to the public and the news media "to the extent practicable." If you sign up for the "Public Notices" list on the town's web site, <http://www.yorktownny.org/newsletter/subscriptions>, you can automatically receive notices about meeting changes.
2. On the first and third Tuesday of each month, when the Town Board meets in regular session, it has a pre-session meeting beginning at 6:45pm in the Supervisor's Office. These meetings are open to the public unless the board votes to go into closed session.
3. All votes to appropriate money must be made during an open session.
4. Minutes must be made available to the public two weeks after an open meeting. Minutes of closed sessions are required only if the board votes to take an action, and then, the minutes must be made public one week after the

closed session.

5. Enforcement. A person who believes that the law has not been followed can file a lawsuit stating either that they were improperly excluded from a meeting or that they believe a closed session was held that should have been open. If the court rules in their favor, it can, at its discretion, award attorney's fees.