

**Establishing A Policy For The Ulster County Office Of The Comptroller That Governs The Accessibility And Timeliness Of Information And Records Possessed By Various Departments, Offices, Units, And Programs Of The County**

Referred to: The Government Efficiency and Review Committee (Chairman J. Parete and Legislators Belfiglio, Briggs, Greene, R. Parete, and Ronk), and The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Belfiglio, Donaldson, R. Parete, and Rodriguez)

Legislator David B. Donaldson offers the following:

WHEREAS, this resolution has been introduced at the request of the Ulster County Comptroller (“Comptroller”); and

WHEREAS, pursuant to § C-57 of the Ulster County Charter (“Charter”), the Comptroller “shall be the chief auditing officer of the County” and in this role “shall [ . . . ] have access to all [ . . . ] books, records, and accounts [of the County] at any time except where precluded by law”; and

WHEREAS, pursuant to § C-25 of the Charter, “the [Ulster] County Executive (“Executive”) shall be the chief executive of the County” and shall “Supervise, direct and control the administration of all departments”; and

WHEREAS, in order to fulfill his Charter powers and duties, the Comptroller must routinely request information, including copies of, or access to, records or books of a Department, an Office, or an Administrative Unit of the County, whether for the purpose of audit or review; and

WHEREAS, the current protocol in place for requesting information has revealed itself to be inadequate in practice as far as the timely delivery of certain information; now, therefore be it

RESOLVED, that in recognition of the powers vested in both the Executive and the Comptroller, in the interest of timely and unfettered access to information, and for the purpose of fostering orderly and efficient operations and functions of the County, the Legislature has formulated a plan regarding the response of administrative units to the Comptroller’s requests for access to the records, books, and information of the Departments of the County, which shall read as follows:

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POLICY FOR THE ULSTER COUNTY OFFICE OF THE COMPTROLLER'S  
ACCESS TO RECORDS AND INFORMATION

The Comptroller may request general information, records created by software or by hand, any back-up and originating documentation from both County and non-County sources, or final work product produced or retained by the Department, Office, or Administrative Unit as it relates to the business of the County. A request for information made by any employee of the Comptroller's Office shall be deemed and treated as a request of the Comptroller.

If there is any question or concern about whether the information is privileged or otherwise precluded by law from being disclosed, the Department Head or Deputy must immediately contact and communicate with the County Attorney's Office, sharing any such findings with the Comptroller. Issues that may arise regarding inquiries or records that are precluded by law include, among other things, information protected by HIPPA, litigation matters, or other matters that may be confidential.

Although the Comptroller may choose to extend the following timeframes governing the delivery and production of records, books, and information for any reason his Office sees fit, the Comptroller's inquiry or request should be responded to in full and in writing by the Department Head or Deputy within three (3) business days of the date of inquiry. The response shall be in the form of an e-mail, letter, or similarly written communication. This response shall:

(a) Attach and/or fully convey such responsive information and documents as are readily available at that time;

(b) Identify the information and/or documents that are not readily available at that time, if any, and provide a reason as to why, as well as an expected date of delivery that shall not exceed five (5) days from the original date of inquiry. Examples of such a specific reason that would preclude a response to the inquiry or the production of documents within the time frame above shall be limited to the following:

(i) The information may be precluded by law; and the matter has been turned over to the County Attorney for review and advice, including the potential restriction of such information;

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- (ii) The information is not readily available within the files of the Department, and the staff of the Department is attempting to locate it within its files or among the records storage files of the County;
- (iii) The individual responsible for the records within the Department is unavailable, and the records cannot be located using reasonable efforts by other personnel; or
- (iv) The materials requested were never kept, do not exist, or were destroyed and thus are not capable of being produced. Under no circumstances should any Department attempt to create or re-create any records or information.

(c) Acknowledge that the unit will be prepared for any on-site review or visit by the Comptroller's staff at the date and time indicated in the Comptroller's inquiry that shall be no sooner than three (3) business days from the date of the Comptroller's inquiry, if possible; or arrange for another date and time for the visit, not more than three (3) business days from the Comptroller's scheduled time or at a time mutually agreed to, and identify the reason for the inability to be prepared at the time proposed; and

(d) Detail any objection held by a Department regarding the production of any requested information and documents.

and, be it further

RESOLVED, that this policy shall take effect immediately and apply to all ongoing and future requests for records, books, and information made by the Comptroller to any Department, Unit, Office, or Program of the County,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Government Efficiency and Review on June 20, 2016

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Defeated in Committee: Government Efficiency and Review on July 18, 2016

Passed Committee: Laws and Rules, Governmental Services on\_\_\_\_\_.

**Petition to Discharge not executed.**

FINANCIAL IMPACT:  
NONE