

**PUBLIC ACCESS TO RECORDS OF
CLARENCE FIRE DISTRICT NO. 1**

I. **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. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality.
- B. These regulations provide information concerning the procedures by which records may be obtained from Clarence Fire District No. 1.
- C. Personnel of Clarence Fire District No. 1 shall furnish to the public the information and records required by the Freedom of Information Law and those that were furnished to the public prior to its enactment.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

II. **OBJECTIVE:**

The objective of this policy is to set forth guidelines regarding "Public Access to Records of Clarence Fire District No. 1".

III. **DESIGNATION OF RECORDS MANAGEMENT OFFICER AND RESPONSIBILITIES:**

- A. The Chairman of the Board of Fire Commissioners is responsible for insuring compliance with the regulations herein. He shall designate the Fire District Secretary as the Records Management Officer.
- B. The Records Management Officer is responsible for:
 - 1. Maintaining an up-to-date subject matter list.
 - 2. Assisting the requester in identifying requested records, if necessary.
 - 3. Upon locating the records, taking one of the following actions:
 - a. making records promptly available for inspection; or,
 - b. denying access to the records in whole or in part and explaining in writing the reasons therefore.
 - 4. Upon request for copies of records:
 - a. making a copy available upon payment, or offer to pay established fees; or,
 - b. permitting the requestor to copy those records.
 - 5. Upon request, certifying that a transcript is a true copy of records copied.
 - 6. Upon failure to locate records, certifying that:
 - a. the Fire District is not the legal custodian for such records.
 - b. the records of which the Fire District Secretary is a legal custodian cannot be found.

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IV. **DESIGNATION OF FISCAL OFFICER:**

- A. The Fire District Treasurer is designated fiscal officer by the Chairman of the Board of Fire Commissioners. He/she is the person charged with certifying the payroll. He/she shall respond to requests for an itemized record setting forth the name, address, title and salary of every officer or employee of the Fire District.
- B. The Fire District Treasurer shall make the payroll items listed above available to any person including bona fide members of the media.

V. **LOCATION:**

The Clarence Fire District No. 1 designates the following location where records shall be available for public inspection and copying: Clarence Fire District No. 1, 10355 Main Street, Clarence, NY 14031.

VI. **HOURS FOR PUBLIC INSPECTION:**

The Clarence Fire District No. 1 does not have daily regular business hours. The records shall be available at such time or times as may be convenient to both the Records Management Officer and the person seeking inspection of the public records. The person seeking inspection of public records shall determine such convenient time by contacting the Records Management Officer, Kim M. Lash. She may be reached at Clarence Fire District No. 1, 10355 Main Street, PO Box 340, Clarence, NY 14031, phone number (716) 759-8842 extension 10.

VII. **REQUESTS FOR PUBLIC ACCESS TO RECORDS:**

- A. Requests for records may either be oral, in writing or by e-mail.
- B. The Records Management Officer will respond promptly to a request for records. Such response will be made no more than five working days after receipt of a request.
- C. The Records Management Officer will maintain and make available for public inspection and copying a current list, by subject matter, of all records produced, filed, or first kept or promulgated after September 1, 1974. The list shall be sufficiently detailed to permit the requester to identify the file category of the record sought.
- D. So that the Records Access Officer can locate records within a reasonable period of time, a request for access to records should be sufficiently detailed to identify the records.
- E. No records may be removed by the requestor from the office where the record is located without the permission of the Records Management Officer.

VII. **DENIAL OF ACCESS TO RECORDS:**

- A. The Board of Fire Commissioners shall hear appeals for denial of access to records under the Freedom of Information Law.
- B. Denial of access shall be in writing stating the reason therefore and advising the requester of the right to appeal to the Board of Fire Commissioners.
- C. If the Records Management Officer fails to provide requested records promptly, such failure shall be deemed a denial of access.
- D. The time for deciding an appeal by the Board of Fire Commissioners shall commence upon receipt of a written appeal identifying:
 - 1. the date of the request for the records.

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IX. FEES:

- A. There shall be no fee for the following:
 - 1. Inspection of records.
 - 2. Search for records.
 - 3. Any certification pursuant to these regulations.
- B. Based on the regulations of the New York State Committee on Public Access to Records, the charge per page for photocopies not exceeding 82 x 14 inches shall be 25 cents. In cases where the size of photocopies exceeds 82 x 14 inches, the fee for photocopying shall not exceed the actual copying cost. If no photocopying equipment is available, a transcript of requested records would be made upon request. Such transcripts may either be typed or handwritten. The requester shall be charged for the clerical time involved in making the transcript.
- C. E-Mail Requests
 - 1. There will be no fee for records that may be readily transmitted via e-mail.
 - 2. If records cannot be e-mailed due to the volume of the records requested, there will be an "actual cost" fee for copying the records onto a CD or floppy disk.

X. SEVERABILITY:

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

XI. The above regulations have been adopted at a regular meeting of the Board of Fire Commissioners. No public hearing is required nor is any legal notice required to be published. A public notice is posted at the firehouse in the following form:

The Freedom of Information Law, which took effect on September 1, 1974, gives you the right of access to certain public records.

The Clarence Fire District No. 1 has adopted regulations governing when, where and how you can see public records.

According to these regulations, records can be seen and copied at Clarence Fire District No. 1, 10355 Main Street, Clarence, NY 14031.

The Fire District Secretary will help you to exercise your right to access. Her name is Kim M. Lash and she may be reached at the Clarence Fire District No. 1 (address above) or phone (716) 759-8842 extension 10.

If you are denied access to a record, you may appeal to the Board of Fire Commissioners by contacting the Chairman of the Board of Fire Commissioners. His name is Doug Garlapo and he may be reached at the Clarence Fire District No. 1 (address above) or phone (716) 759-8842.

XII. This policy rescinds Clarence Fire District No. 1 Public Records List dated November, 2002.

XIII. This policy is adopted effective March 12, 2007.

By order of the Board of Fire Commissioners

Clarence Fire District No. 1

Policy Number 07-3-15

Attachments

F:/District Secretary/Policies/Public Access to Records

**APPLICATION FOR PUBLIC
ACCESS TO RECORDS**

To: Records Management Officer
Clarence Fire District No. 1
10355 Main Street, PO Box 340
Clarence, NY 14031

Attachment A

I hereby apply to inspect the following record: _____

(Signature) (Representing) (Date)

(Mailing Address)

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For Fire District Use Only:

Approved _____

Denied for the reason(s) listed below:

- _____ Confidential Disclosure
- _____ Part of Investigative Files
- _____ Unwarranted invasion of privacy
- _____ Fire District is the legal custodian of the record but it cannot be found
- _____ The Fire District does not maintain this record
- _____ Exempted by statute other than the Freedom of Information Law
- _____ Other (specify) _____

(Signature) (Title) (Date)

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NOTICE: YOU HAVE THE RIGHT TO APPEAL A DENIAL OF THIS APPLICATION TO
THE BOARD OF FIRE COMMISSIONERS BY CONTACTING THE CHAIRMAN.

Doug Garlapo 4670 Ransom Road, Clarence, NY 14031 (716) 759-6283
(Name of Chairman) (Address and Phone Number)

The Board of Fire Commissioners must decide the appeal in writing within seven working days of receipt of an appeal. I hereby appeal.

(Signature) (Date)

**NOTICE OF EXAMINATION BY
OFFICE OF STATE COMPTROLLER**

Notice is hereby given that the fiscal affairs of the Clarence Fire District No. 1 of the Town of Clarence for the period beginning on _____ and ending on _____ have been examined by the Office of the State Comptroller and that the report of examination performed by the Office of the State Comptroller has been filed in my office where it is available as a public record for inspection by all interested persons. Pursuant to section 35 of the General Municipal Law, the Board of Fire Commissioners of the Clarence Fire District No. 1 of the Town of Clarence may in its discretion, prepare a written response to the report of examination performed by the Office of the State Comptroller and file any such response in my office as a public record for inspection by all interested persons not later than _____ which is ninety days after presentation of such report to the Board.

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