

# **LWV** LEAGUE OF WOMEN VOTERS® OF PUTNAM COUNTY

July 23, 2019

Dear Mary Ellen Odell, Putnam County Executive,

The LWV is committed to transparency and open government. We wish to make sure that the process of local government does not put an undue burden on the people seeking information. We were concerned about the comments posted in the Highlands Current newspaper that quoted Robert Freeman, the former executive director of the NYS Open Government Committee, which issues advisory rulings on FOIL and the Open Meetings Act. Mr. Freeman, after reading the Putnam County proposed law, stated that, "The resolution appears to conflict with years-old rulings by the state's highest court, the Court of Appeals, that prohibit local entities from passing laws that make entire swaths of documents secret by default. Only state and federal statutes can do that". An opinion written by Freeman citing multiple Court of Appeals decisions that, "a local enactment, such as a county code, local law, charter or ordinance...cannot confer, require or promise confidentiality", and if passed, "would be all but meaningless".

If passed, the proposed law would amend the county ethics code so that "any record designated 'confidential' by any Putnam County officer or employee, or by outside legal counsel or consultant to any agency or the Legislature of Putnam County, who is the creator or sender of such record", would automatically be deemed a secret unless the county attorney later released it, a judge ordered it released on appeal, or the nine-member Legislature voted for it to be released — but only if the vote were unanimous.

We ask that Mr. Freeman's comments be taken into account by the legislature and that either the proposed law be sent back to the legislature for further review, or that the proposed law as it stands now, be vetoed.

League of Women Voters of Putnam County

Officers and Board of Directors