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RESOLUTION #__ of 2019

APPROVAL/AMENDMENT OF THE LEGISLATIVE MANUAL TO ADD A RULE PROHIBITING THE UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL MATERIAL

WHEREAS, the Putnam County Legislature routinely handles documents containing information which is properly kept confidential and is typically exempt from disclosure under the New York State Freedom of Information Law; and

WHEREAS, the Putnam County Legislature and its Committees necessarily conduct discussions of confidential matters in executive session in compliance with the New York State Open Meetings Law; and

WHEREAS, the Putnam County Legislature receives legal advice and other information from the Putnam County Law Department, Legislative Counsel, and outside counsel for the County, which advice and information are typically protected from disclosure by statutory and common law privileges including the attorney-client privilege, the deliberative process privilege, the settlement privilege, and the attorney work product doctrine; and

WHEREAS, there have been numerous instances of confidential information discussed in executive session, and contained in documents, including attorney-client communications with the Legislature, having been improperly disclosed to the public and/or the news media; and

WHEREAS, improper disclosure of confidential material can be damaging to individuals, preclude government from carrying out its duties, and harm the interests of County taxpayers in both pending and future litigation matters; and

WHEREAS, improper disclosure of confidential communications with, and materials prepared by, counsel can have a chilling effect upon the ability of the Legislature to seek the benefit of legal counsel, and also upon the ability of counsel to provide full and candid advice, which in turn may adversely affect the execution of officials' and employees' duties to the County; and

WHEREAS, through enactment of Local Law 8 of 2019, amending Chapter 55 of the Putnam County Code (Ethics, Code of, and Financial Disclosure), it is the express policy of the County of Putnam to protect "Confidential Material" from unauthorized or otherwise improper disclosure; and

WHEREAS, pursuant to the Legislative Manual, the Legislature's Standing Committee on Rules, Enactments and Intergovernmental Relations is empowered to recommend the conduct of the Legislature through rules, regulations, and procedures; and

WHEREAS, Legislature's Standing Committee on Rules, Enactments and Intergovernmental Relations has considered the problem of improper disclosure of Confidential Material by Legislators, and believes that an explicit prohibition on such disclosure should be added to the Legislative Manual; now, therefore be it

RESOLVED, that Section IV, "Rules of Order and Procedure," of the Legislative Manual shall be amended to add a new rule, as follows:

Rule 30: - Protection of Confidential Material

No member of the Legislature shall disclose Confidential Material except as provided for in Chapter 55 (Ethics, Code of, and Financial Disclosure) of the Putnam County Code. The term "Confidential Material" as used in this Rule shall have the same meaning as in Chapter 55, but shall also include any information obtained or discussed in any executive session meeting of the Legislature or of any of its Committees, but shall not include information required to be made public pursuant to New York State Public Officers Law Article 7 (Open Meetings Law). Violation of this Rule shall be grounds for Censure of a Legislator pursuant to Section II. G. of this Legislative Manual.

BY POLL VOTE: