



ORDINANCE NO. 800

AN ORDINANCE SETTING FORTH PROVISIONS FOR
COMPLIANCE WITH THE ILLINOIS FREEDOM OF
INFORMATION ACT

Published in pamphlet form by authority of the Village
President and Board of Trustees of the Village of
Mackinaw

January 25, 2010

**ORDINANCE SETTING FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS
FREEDOM OF INFORMATION ACT**

WHEREAS, the Freedom of Information Act took effect on July 1, 1984 (5 ILCS 140/1 *et seq.*) and was substantially amended by PA 96-0542 effective January 1, 2010; and

WHEREAS, such Act is intended to provide the public with greater access to the records of public bodies; and

WHEREAS, it is necessary for the Village of Mackinaw to establish practices and procedures ensuring its full compliance with said Act, so that the public policy stated therein can be carried out effectively and efficiently with respect to the records of the Village.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Mackinaw, Tazewell County, as follows:

SECTION 1: The Village Collector is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the Village Hall at 100 E. East Ave., Mackinaw, Illinois, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. In the event that the Village Collector is not available during the times described above, the Village Clerk is designated as the Deputy FOIA Officer to whom such initial requests are to be made. Except in instances when records are furnished immediately, the FOIA Officer, or his designees, shall receive requests submitted to the Village under the Freedom of Information Act, ensure that the Village responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

SECTION 2: Upon receiving a request for a public record, the FOIA Officer shall:

- (1) note the date the Village receives the written request;
- (2) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (3) maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been complied with or denied; and
- (4) create a file for the retention of the original request, a copy of the response, a record of written communications with the requester, and a copy of other communications.

SECTION 3: The FOIA Officer and Deputy FOIA Officer shall, within six (6) months after January 1, 2010, successfully complete an electronic training curriculum to be developed by the Public Access Counselor of the State of Illinois and thereafter successfully complete an annual training program. Whenever a new Freedom of Information Officer is designated by the Village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

SECTION 4: Any records which are the subject of a request under the Freedom of Information Act shall be retrieved from such place as they are stored, by the FOIA Officer, or by an employee of the Village acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the Village.

SECTION 5: If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the FOIA Officer pursuant to Section 6(b) of the Freedom of Information Act. The Village Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

SECTION 6: In the event that a request to inspect Village Records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the State of Illinois.

SECTION 7: The Village Clerk shall prepare: (a) a Village Information Directory; (b) a block diagram of the functional Subdivisions of the Village; (c) a Village Records Directory; and (d) a Records Catalogue, all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Exhibits "A", "B", "C", and "D". This information shall also be posted on the Village's website.

SECTION 8: THIS ORDINANCE shall be in full force and effect immediately upon its passage and approval as required by law.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 25th day of JANUARY, 2010.

APPROVED:



President of the Board of Trustees of
The Village of Mackinaw

ATTEST:



Village Clerk

AYES:

NAYS:

ABSENT:

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ATTACHED EXHIBITS

EXHIBIT A. - MUNICIPAL INFORMATION DIRECTORY

EXHIBIT B. - SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS

EXHIBIT C. - MUNICIPAL RECORDS DIRECTORY

EXHIBIT D. - CATALOGING AND INDEXING OF PUBLIC RECORDS

EXHIBIT A.

MUNICIPAL INFORMATION DIRECTORY

Village of Freedom - a hypothetical community

The Village of Freedom is a municipality incorporated and organized under the laws of the State of Illinois for the purpose of providing its residents with the following services:

- A. Police protection.
- B. Fire protection.
- C. Sewer and water service.
- D. Garbage collection service.
- E. Municipal airport.
- F. Municipal golf course.
- G. (Etc.)

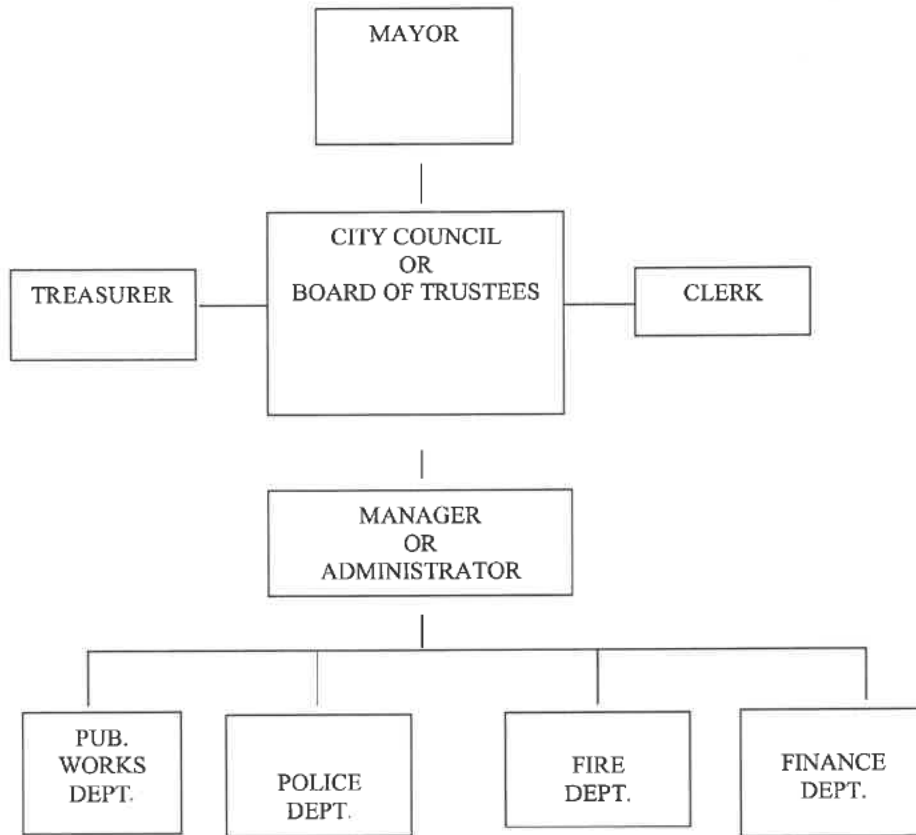
The Village of Freedom has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of Freedom is \$3,291,600.00. The Village's sole office is located at 111 Information Drive in Freedom, and the Village also has a pumping station for its water distribution system located at 311 Information Drive. The Village currently employs approximately 33 full and part-time employees. The members of the boards, commissions and committees of the Village of Freedom are as follows:

Board - Commission - Committee -	Member	Title
_____	_____	_____

(You should then list such members of each of the various boards, etc., including such boards as the city council or village board, plan commission, zoning board of appeals, police pension board, board of fire and police commissioners, etc.)

EXHIBIT B.

SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS



The Freedom of Information Officers for the Village are:

Name:

Contact Location:

EXHIBIT C.

MUNICIPAL RECORDS DIRECTORY

Village of Freedom - a hypothetical community

Any person requesting records of the Village of Freedom may make such a request either in person, orally or in writing at the Village Clerk's office located at 111 Information Drive. Such request should be made to Mrs. Betsy Ross, FOIA Officer at such address and if she is not present in person, you should see Mrs. Jane Thompson, Deputy FOIA Officer. Another method would be by mailing, faxing or emailing a written request to either Mrs. Ross or Mrs. Thompson specifying in particular the records requested to be disclosed and copied. All written requests should be addressed to the FOIA Officer at the address of the Clerk's office. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

First 50 pages, black and white, letter or legal size copies, no cost.

Additional pages, black and white, letter or legal, actual cost to \$0.15.

Electronic records will be formatted subject to reimbursement for costs of recording medium. Color copies or copies in a size other than letter or legal shall be reimbursed to actual costs.

Costs of certifying a record will be \$1.00.

Records may be furnished without charge or at a reduced charge, as determined by the Village, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

EXHIBIT D.

CATALOGING AND INDEXING OF PUBLIC RECORDS

The Act requires that public bodies must list (catalog) all types or categories of records under their control which are prepared or received after July 1, 1984. There is some question, and perhaps it can only be resolved by litigation, whether the municipality must catalogue exempt records. The Act indicates that the purpose of the catalogued list is to aid individuals to "gain access" to public records under the Act, and since certain records are exempt from public access, the most reasonable interpretation of the Act would be that you do not have to catalogue or list exempt records. However, you may wish to maintain a separate catalogue or listing of exempt records until such time as the Attorney General or the courts clarify the extent of cataloguing required.

Please note that the Act requires the list to be by "type" or "category" of records and not listing every individual record. Suggested below are different types of categories that a public body might wish to establish to cover the records that it has under its control and which are subject to inspection under the Act. This list is by no means meant to be exhaustive and is merely for reference or descriptive purposes. Obviously, the number of types or categories will vary from municipality to municipality (e.g., some municipalities have fire departments, some do not, etc).

The "type" of records is meant to be a broad general category and the category is a sub-part of the type. For example, one type of record is a financial record. Under "financial records" may be the following categories: (a) budget; (b) appropriation ordinance; (c) audit; (d) bills; (e) receipts for revenue; (f) vouchers; (g) cancelled checks; (h) water bills; (i) sewer bills; (j) receipts for fines; (k) sales tax receipts; (l) real estate tax receipts; (m) liquor license fees; (n) other license fees; (o) building permit fees; (p) salary schedules; (q) utility bills (e.g., telephone, gas and electric); (r) etc. This gives you examples of categories that could be listed under the general type "financial record". Other general types could include, for example, the following: (1) building inspection reports; (2) administrative memoranda; (3) building permits; (4) board minutes; (5) board resolutions; (6) board ordinances; (7) correspondence received by municipality; (8) correspondence from municipality; (9) bidding specifications; (10) board policies; (11) administrative rules and regulations; (12) personnel code; (13) village maps; (14) comprehensive plan; (15) zoning ordinance; (16) building ordinance; (17) personnel files; (18) office equipment; (19) insurance; (20) capital equipment; (21) real estate; (22) legal notices; (23) newspaper articles; (24) consulting contracts; (25) contracts for capital equipment; (26) contracts for office supplies; (27) contracts for maintenance and repair; (28) professional consultant contracts; (29) pension fund records; (30) hospitalization records; (31) worker's compensation records; (32) training records; (33) official bonds; (34) municipal stickers; (35) village vehicles; (36) animal control records; (37) village liens; (38) police department records; (39) fire department records; (40) etc. Again, the above list is not meant to be exhaustive. While you certainly need not catalogue your records to the same degree as you list expenses in your annual appropriation ordinance or your annual budget, such may be used as a convenient starting point for determining what categories and types of records you may wish to list. Of course, you also should rely on your past experience by reviewing the records you currently have on hand and dividing them into what will appear to you to be meaningful categories. Remember, there is a great deal of latitude in determining what the categories or types of records will be and consequently what the list would contain, but keep in mind the statutory mandate being that the list must be "reasonably current" and must be "reasonably detailed" in order to assist the individual in obtaining access to public records.

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the “**Issuer**”), and as such official I am the keeper of the records and files of its President and Board of Trustees (the “**Corporate Authorities**”).

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the 25th day of January, 2010, insofar as same relates to the adoption of Ordinance No. 800, entitled:

“An Ordinance setting forth provisions for compliance with the Illinois Freedom of Information Act.”

a true, correct and complete copy of which ordinance (the “**Preliminary Ordinance**” or “**ordinance**”) as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of Ordinance No.800, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on January 27, 2010 and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by six members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this 10th day of February, 2010.



[Redacted Signature]

Village Clerk