

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 97- 17

**AN ORDINANCE PERTAINING TO PUBLIC RECORDS
AND IMPLEMENTING THE FREEDOM OF INFORMATION ACT**

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS
THIS 24 DAY OF June, 1997

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 24 day of June, 1997.

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AND IMPLEMENTING THE FREEDOM OF INFORMATION ACT**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

SECTION 1: **Definitions.** For the purposes of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COPYING. The reproduction of any public record by means of any photographic, electronic, mechanical, or other process, device or means.

FREEDOM OF INFORMATION ACT. The Illinois Freedom of Information Act, 5 ILCS 140/1.1 et seq.

PERSON. Any individual, corporation, partnership, firm, organization, or association, acting individually or as a group.

PUBLIC RECORD. All records, reports, forms, writings, letters, memorandums, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information, and all other documentary materials, regardless of physical form or characteristics, having been or being prepared, used, received, possessed, or under control of the Village.

VILLAGE. The Village of Chatham, Illinois

SECTION 2: **Policy.** It is declared to be the public policy of the Village that all persons are entitled to full and complete information regarding the affairs of the Village.

The official acts and policies of the public officials and public employees of the Village shall be consistent with the terms of this Ordinance.

SECTION 3: Individual Privacy Protected. This Ordinance is not intended to be used to violate individual privacy, nor for the purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of the Village.

SECTION 4: Public Records Available. The Village shall make available to any person for inspection or copying all public records, as provided in the Freedom of Information Act.

SECTION 5: Requests to be in Writing. All requests for inspection or copying of public records shall be in writing and shall be addressed to the Clerk. The requestor shall include the following information in any request for public records:

- a. The requestor's full name, mailing address and telephone number at which the requestor can be reached during normal business hours;
- b. A description of the records sought, being as specific as possible;
- c. A statement as to whether the request is for inspection, copying, or both.

The Clerk shall make available a form for use by requestors; however, no request shall be denied for failure to use the form.

SECTION 6: Fees.

a. The Village hereby establishes and shall charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the Village to copy records. Such fees exclude

the costs of any search for and review of the record, and shall not exceed the actual cost of reproduction and certification, unless otherwise provided by state statute. The charge for copying shall be \$.10 per page for photocopies, \$.04 per page for computer printouts, and \$2.50 per audio tape.

b. Documents shall be furnished without charge or at a reduced charge where the Village determines that waiver or reduction of the fee is in the public interest because furnishing information can be considered as primarily benefitting the general public. 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. In setting the amount of the waiver or reduction, the Village may take into consideration the amount of materials requested and the cost of copying them.

SECTION 7: **Time Limit for Compliance with Request.** The Village shall either comply with or deny a request for public records within seven working days after its receipt. Denials shall be in writing and in accordance with Section 11.

SECTION 8: **Extension of Time Limit; Notice.**

a. The time limit prescribed in Section 7 may be extended in each case for not more than seven additional working days for any of the following reasons:

(1) The requested records are stored in whole or in part at other locations other than the office having charge of the requested records.

(2) The request requires the collection of a substantial number of specified records.

(3) The request is couched in categorical terms and requires an extensive search for the records responsive to it.

(4) The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under the terms of the Illinois Freedom of Information Act or should be revealed only with appropriate deletions.

(5) The request for records cannot be complied with by the Village within the time limits prescribed by the foregoing paragraph without unduly burdening or interfering with the Village.

(6) The requested records have not been located in the course of routine search and additional efforts are being made to locate them.

(7) There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request.

b. When additional time is required for any of the above reasons, the Clerk shall notify the person making the request, by letter, within the time limits specified in this section, of the reasons for the delay and the date by which the records will be made available or denial will be forthcoming. In no instance may the delay in processing last longer than

seven working days. A failure to render a decision within seven working days shall be considered a denial of the request.

SECTION 9: **Unduly Burdensome Requests.**

a. Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the Village, there is no method of narrowing the request, and the burden on the Village strongly outweighs the public interest in the information. If the Village responds to a categorical request by stating that compliance would unduly burden its operation, it shall do so in a writing signed by the Clerk specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operation of the Village.

b. After receipt of this response in writing, the person making the request shall have an opportunity to reduce the request to manageable proportions. If the person making the request fails to reduce the request to manageable proportions, the response of the Village shall be treated as a denial of the request for information.

SECTION 10: **Certain Information Exempt From Inspection and Copying.**

Information exempted by Section 7 of the Freedom of Information Act shall be exempt from inspection and copying. If a record contains both exempt and nonexempt information, the exempt information shall be deleted and the remainder of the record made available for inspection and copying.

SECTION 11: **Notice of Denial of Request; Appeals.**

a. The Clerk, when denying a request for public record, shall notify the requestor, by letter, of the decision to deny the information, and the reason for the denial. Each notice of denial by the Clerk shall inform the person of his or her right to appeal to the Village President in accordance with Section 10 of the Freedom of Information Act. When a request is denied on the grounds that the records are exempt under the provisions of this Ordinance, the notice of denial shall specify the exemption claimed to authorize the denial and briefly explain how the exemption applies to the specified records withheld.

b. A requestor may appeal a denial of a request for public records to the Village President. All appeals shall be in writing, shall be addressed to the Village President in an envelope clearly marked "FOIA APPEAL", and shall include a copy of the original request, a copy of the denial or a statement that the Village failed to respond within 7 working days; and a written statement setting forth the reasons the requestor believes the appeal should be granted.

c. The Village President shall respond in writing to an appeal within 7 working days of receipt thereof. Failure to respond shall be considered a denial of the appeal. If the Village President denies an appeal in whole or in part, the requestor shall be informed of his or her rights to judicial review under Section 11 of the Freedom of Information Act.

SECTION 12: **Granting of Request; Procedure for Inspection.**

When a freedom of information request is granted, the documents will be made available for inspection at the Village Hall during regular business hours. Copies shall be made upon request as set forth in Section 6.

SECTION 13: **Written Request Not Required for Certain Documents.**

The following documents shall be made available for inspection and copying without a written request; however, the requestor shall contact the Clerk or Deputy Clerk in advance to set a mutually convenient time. These documents, if copied, shall be subject to the copying fee set forth in Section 6:

- a. Ordinances and written resolutions.
- b. The journal of the Board of Trustees, not including executive session minutes.
- c. Any personnel code, building code, other technical code, or any other regulation of the Village adopted by the Village, whether by ordinance, resolution or otherwise.

SECTION 14: **Dissemination of Information About Public Bodies.**

The Village shall prominently display at the Village Hall, make available for inspection and copying without charge, and shall send through the mail if requested, each of the following:

- a. A brief description of itself, which will include, but not be limited to a short summary of its purpose, a block diagram giving its functional subdivisions, the total

amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees, and the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body is required to report and be answerable for its operations; and

b. A brief description of the methods whereby the public may request information and public records, a directory designating by titles and business addresses those employees to whom requests for public records should be directed, and any fees allowable under Section 6.

SECTION 15: List of Categories of Records. As to public records prepared or received after the effective date of this Ordinance, the Village Clerk shall maintain and make available for inspection and copying a reasonably current list of all types or categories of records under its control. The list shall be reasonably detailed in order to aid persons in obtaining access to public records pursuant to this Ordinance. The Village Clerk shall furnish upon request a description of the manner in which public records stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format.

SECTION 16: Publication and Effective Date. The Clerk shall forthwith publish this Ordinance in pamphlet form. It shall be effective upon its passage, approval and publication and required by law.

PASSED this 24 day of June, 1997.

Linda Kester
VILLAGE PRESIDENT

ATTEST:

Paul A. Kreep
Village Clerk

AYES: 6
NAYS: 0

PASSED: 6/24/97
APPROVED: 6/24/97

ABSENT: _____

STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on June 24, 1997, the corporate authorities of such Village passed and approved Ordinance No. 97-17 entitled:

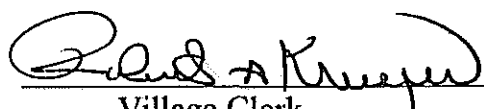
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 97-17 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on June 25, 1997, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 27 day of June, 1997.

(SEAL)



Village Clerk

Appendix A Freedom of Information Request Form

VILLAGE OF CHATHAM
WRITTEN REQUEST FOR INSPECTION OR COPYING OF PUBLIC RECORDS

1. Name of person making request: _____

2. Address of person making request: _____

3. Telephone number of person making request: _____

4. Date of Request: _____

(DESCRIBE IN DETAIL BELOW THE PUBLIC RECORDS YOU ARE REQUESTING AND STATE WHETHER YOU WISH TO INSPECT AND/OR COPY SUCH RECORDS. ALSO, PLEASE STATE WHETHER SUCH PUBLIC RECORDS ARE TO BE CERTIFIED.)

5. The Village of Chatham will respond to the above request within seven (7) working days from the above date unless one or more of the reasons for an extension of time provided for in Section 3(d) of the Act are invoked by the Village.

6. Signature of person making the request: _____

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6. Signature of person making the request: _____

VILLAGE OF CHATHAM

FREEDOM OF INFORMATION PROCEDURES

INTRODUCTION

- 1) Summary and Purpose
- 2) Definitions

PROCEDURES FOR REQUESTING PUBLIC RECORDS

- 1) Person To Whom Requests Are Submitted
- 2) Form and Content of Requests

PROCEDURES FOR VILLAGE RESPONSE TO REQUESTS FOR PUBLIC RECORDS

- 1) Timeline for Village Response
- 2) Types of Village Responses

PROCEDURES FOR APPEAL OF A DENIAL

- 1) Appeal of a Denial
- 2) Mayor's Response to Appeal

PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

- 1) Inspection of Records at Village Office
- 2) Copies of Public Records
- 3) General Materials Available from the Freedom of Information Officer

APPENDIX A Freedom of Information Request Form

APPENDIX B FEE SCHEDULE FOR DUPLICATION OF PUBLIC RECORDS

AUTHORITY: Implementing and authorized by the Freedom of Information Act (Ill. Rev. Stat. 1988, Supp., ch. 116, par. 201 et seq.).

- b) The requestor shall include the following information in any request for public records:
 - 1) The requestor's full name, mailing address and telephone number, including area code, at which the requestor can be reached during normal business hours.
 - 2) A description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.

PROCEDURES FOR VILLAGE RESPONSE TO REQUEST FOR PUBLIC RECORDS

- 1) Timeline for Village Response
 - a) The Village shall respond to a written request for public records within seven working days after the receipt of such request.
 - b) In the event that the Village cannot respond to the request for public records within seven working days for one of the reasons provided in Section 3(d) of the FOIA, the Village shall have an additional seven working days in which to respond. The Village shall give the requestor notice of the extension of time to respond. Such notice of extension shall set forth the reasons why the extension is necessary.
- 2) Type of Village Responses
 - a) The Village shall respond to a request for public records in one of three ways:
 - 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
 - b) When a request for public records has been approved, the Village may give notice that the requested material will be made available upon payment of reproduction costs, or give notice of the time and place for inspection of the requested material.
 - c) Requests for public records shall be denied only for the reasons stated in either Section 3(f) or Section 7 of the FOIA. A denial of a request shall be made in writing and shall provide the reasons for the denial, the names and titles of individuals responsible for the decision to deny the request, and a statement that the requestor may appeal the denial to the Mayor of the Village of Chatham.