



FREEDOM OF INFORMATION ACT DIRECTORY

Updated as of January 2016

Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.)
Through Public Act 96-542 Effective January 1, 2010

VILLAGE OF MUNDELEIN
300 PLAZA CIRCLE
MUNDELEIN, ILLINOIS 60060

Freedom of Information Act Directory
Pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.)
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STATEMENT OF PURPOSE

The Village of Mundelein was incorporated as an Illinois municipal corporation on February 9, 1909. The Village of Mundelein is a full service community with municipal services second to none. The Village provides for the health, safety and welfare of its residents through the various departments of the Village that provide fire and police protection, water delivery, wastewater treatment, building inspection, engineering design and inspection, street maintenance, and economic development assistance. Customer service is every department's highest priority.

The Village of Mundelein operates under the President-Trustee form of government. There are six elected Trustees and one elected President (Mayor). The President is the Chief Executive Officer. The Village Board and the Mayor, by majority vote, appoint the Village Administrator who is the Chief Administrative Officer.

The Board of Trustees of the Village of Mundelein is committed to providing services to the community which ensure maintenance of its rich traditions and a high quality of life for all who live and work in the community.

FREEDOM OF INFORMATION PROCEDURES

All records in the custody or possession of the Village of Mundelein are presumed to be open to public inspection. Village Ordinance No. 10-01-01 establishes the Village Policy with respect to FOIA requests.

The information provided herein details the Village’s Freedom of Information procedures. This booklet is intended to serve as a guide to allow citizens to conveniently access public records.

REQUESTS FOR PUBLIC RECORDS

Freedom of Information request forms are available online at www.mundelein.org, at the Village Hall, at the Police Department, and at the Fire Department. Requests for medical records should be filed through the Fire Department. Requests for police-related records should be filed through the Police Department. All other requests for records should be filed through the Administration Department. (See sample request form on page 16.)

FREEDOM OF INFORMATION OFFICERS

The following individuals are designated Freedom of Information Officers for the Village of Mundelein.

Administration Department	Mike Flynn, Assistant Village Administrator 300 Plaza Circle Mundelein, IL 60060 Phone: (847)949-3200 Fax: (847) 949-0143
Police Department	Eric Guenther, Public Safety Director 221 North Lake Street Mundelein, IL 60060 Phone: (847) 968-4600 Fax: (847) 949-3254
Fire Department (For medical records)	Benjamin Yoder, Chief Deputy Fire Chief 1000 N. Midlothian Road Mundelein, IL 60060 Phone: (847) 968-3260 Fax: (847) 949-0410

PUBLIC RECORDS UNDER THE CUSTODY AND CONTROL OF THE VILLAGE BY DEPARTMENT

This information is provided to aid petitioners in obtaining access to public records.

Administration

- Administrative and Village Board policies
- Agendas of Public Meetings
- Bid Documents
- Comprehensive Plans
- Contracts and Agreements
- Deeds
- Demographic Information
- Development and Annexation Agreements
- Easements
- FOIA Handbook
- Insurance Claim Records
- Intergovernmental Agreements
- Minutes of Public Meetings
- Municipal Code Book Sections
- Ordinances
- Organization Chart
- Proclamations
- Recorded Documents
- Resolutions
- TIF District Documents
- Vehicle Titles
- Vendor and Service Agreements

Building Department

- Building Permits
- Business Licenses
- Complaints
- Contractor Licenses
- Liquor Licenses
- Massage Establishment Licenses
- Peddler & Solicitors Licenses
- Taxicab Licenses
- Tobacco Licenses
- Underground Storage Tanks

Engineering

- Benchmarks
- Capital Improvement (Public Works) Projects
- Contracts
- Land Development
- Maps
- National Pollution Discharge Elimination System Phase 2
- Watershed Development Permits

Finance

- Audits
- Annual Budget and Annual Capital Improvement Plan
- Comprehensive Annual Financial Reports
- Invoices
- Purchase Orders

Fire

- Fire Prevention
- Fire and Rescue Responses
- Inspections
- Paramedic and Emergency Medical Service Responses

Police*

- Police Reports and Investigations

Public Works

- Facilities Management
- Maintenance or Service Call Information
- Project Bids and Specifications
- Property Maintenance
- Snow Removal
- Street Repair and Reports
- Vehicle Repair
- Water and Sewer Records

(*Please direct all FOIA requests for police records to Public Safety Director Eric Guenther, 221 North Lake Street, Mundelein, IL 60060)

**CATEGORIES OF DOCUMENTS THAT ARE AVAILABLE
IMMEDIATELY UPON REQUEST**

Administrative and Village Board policies
Annual budget and annual Capital Improvement Plan
Agendas of Public meetings
FOIA handbook
Maps
Minutes of public meetings
Municipal code book sections
Ordinances
Resolutions
Village Newsletter (current)

STANDARD PROCEDURES FOR REQUESTS OF RECORDS

Compliance with FOIA requests does not compel the Village to interpret or advise petitioners as to the meaning or significance of the public records provided.

A request for records will be complied with or denied within five business days unless the request is determined to be for commercial purposes in which case the Village has 21 days to respond. In the event of a denial, notification to the petitioner will be made by letter. Failure of the Village to respond to a request for records will be considered a denial. If the Village needs more time to process the request, the FOIA officer will notify the petitioner within the five business days timeframe that five additional business days may be required to process the request.

In the case of the denial of a request for records, the petitioner will be notified by the FOIA official in writing of: 1) the decision to deny the request; 2) the reasons for the denial; 3) the names and titles or positions of each person responsible for the denial; 4) the right to review by the State of Illinois Public Access Counselor; and 5) the right to judicial review. In accordance with the Illinois FOIA Act, appeals of the local FOIA official's determination must be made to the Illinois Public Access Counselor. Appeals are no longer heard locally.

A requestor whose request is denied by the Village FOIA official may, within 60 days, file a written request for review with the Illinois Public Access Counselor:

Sarah Pratt
Public Access Bureau
Office of the Attorney General
500 South 2nd Street
Springfield, IL 62706
Phone: 877-299-3642
Fax: 217-782-1396
Email: PublicAccess@atg.state.il.us

CHARGES FOR PUBLIC RECORDS

The following fees shall be assessed to FOIA requests:

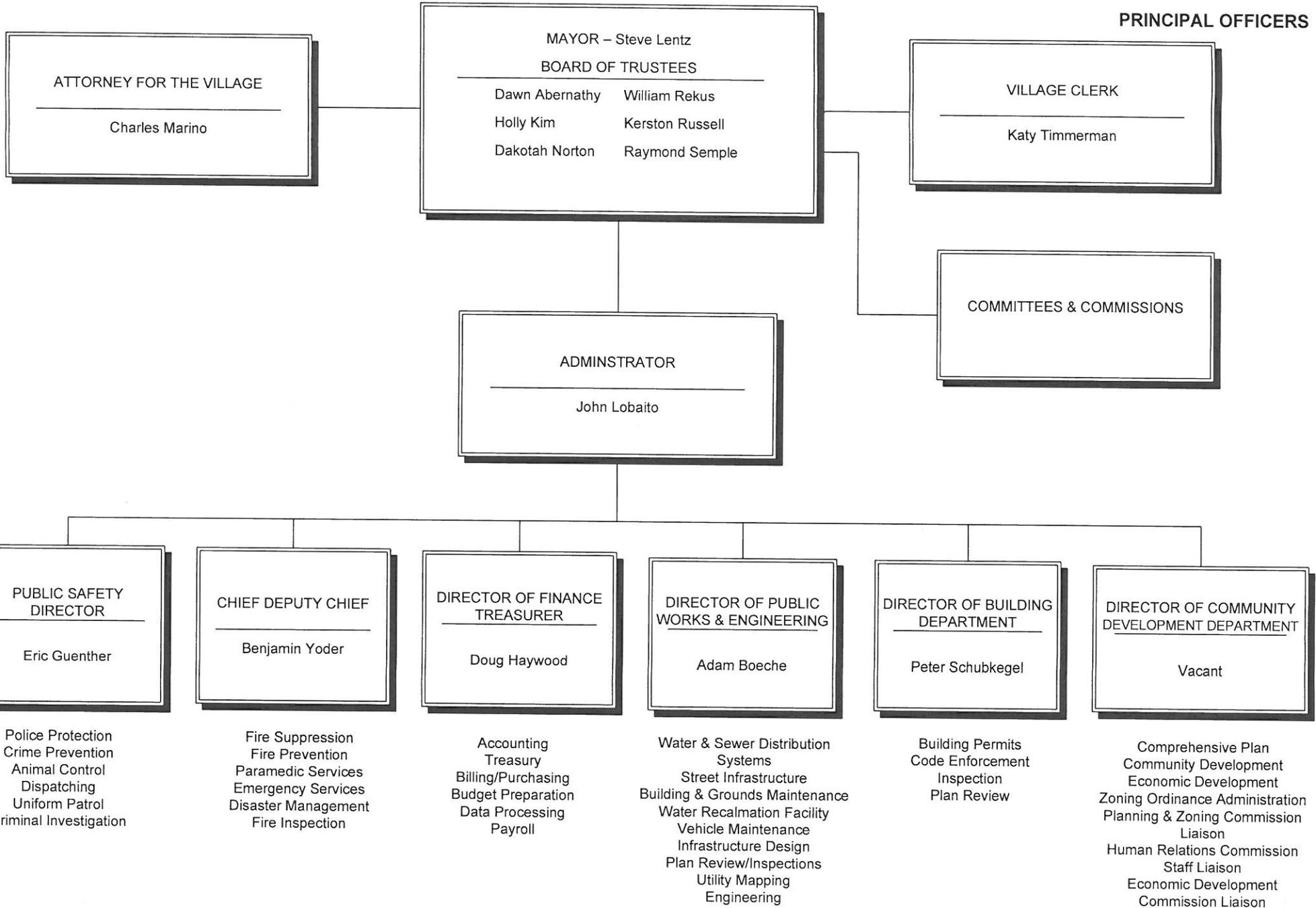
Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records.

When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester.

1. \$0.15 per page for black and white copies of letter or legal size documents. No fees shall be charged for the first 50 pages of black and white letter or legal size documents. (Double sided pages count as two copies.)
2. Color copies of letter or legal size documents shall be \$0.15 per page.
3. Black and white tabloid (11" x 17") size documents shall be \$0.15 per page.
4. Color tabloid size documents shall be \$.16 per page.
5. CD – \$0.25 each
6. Color Zoning Map (2' x 3') – \$6.00
7. If the Village uses a copy service or other provider to copy requested records, the amount charged to the Village by the copy service to make copies is what will be charged to the customer minus charges for the first 50 pages of letter or legal size black and white documents and under.
8. If the Village copies and prints oversized documents (anything larger than 11" x 17") the cost of these documents shall be \$0.15 per square foot.
9. Commercial requests may be subject to:
 - a. \$10 per hour fee for time spent by personnel (in excess of 8 hours) searching for and retrieving a requested record for those requests.
 - b. Additional fee will be imposed for retrieval of records stored in an off-site facility that is maintained by a third-party storage company under contract with the Village. Requester will be provided with an accounting of all fee costs and personnel hours incurred in connection with their request for public records.

10. If a voluminous request is for electronic records and those records are not in a portable document format (PDF), the public body may charge up to \$20 for not more than 2 megabytes of data, and up to \$100 for more than 4 megabytes of data. If a voluminous request is for electronic records and those records are in a portable document format, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data. If the responsive electronic records are in both a portable document format and not in a portable document format, the public body may separate the fees and charge the requestor under both fee scales.

PRINCIPAL OFFICERS



FISCAL YEAR END 2016 BUDGET

Operating	\$25,000,000
Water and Sewer	\$13,514,000
Special Funds	\$17,949,879
TOTAL Budget	<u>\$56,463,879</u>

NUMBER OF AUTHORIZED PERSONNEL

The Village has 179 full-time positions and 27 part-time positions authorized for Fiscal Year 2015-2016.

MUNICIPAL OFFICIALS

Mayor	Steve Lentz (847) 949-3209 slentz@mundelein.org
Village Clerk	Katy Timmerman (847) 949-3214 ktimmerman@mundelein.org
Trustees	Dawn Abernathy dabernathy@mundelein.org
	Holly Kim hkim@mundelein.org
	Dakotah Norton dnorton@mundelein.org
	Bill Rekus brekus@mundelein.org
	Kerston Russell krussell@mundelein.org
	Raymond Semple rsemple@mundelein.org

APPOINTED COMMISSION/COMMITTEE MEMBERS (as of January 2016)

Economic Development Commission

Larry Gallas, Chairman

Gerald Brin

Laurie MacKay

Donna Morrison

Tom Ouimet

Jeanne Silver

Robert Swanson

Brandon Tole

Open

Michael Flynn, Staff Liaison

Amanda Orenchuk, Staff Liaison

Fire Pension Board

John Peters, President

Jeremy Lockwood, Secretary

Mike Lawrence

Brian Schneckloth

Open

Fire & Police Commission

Jeff Hill, Chairman

Matt Kennedy

Richard Rothmann

APPOINTED COMMISSION/COMMITTEE MEMBERS (as of January 2016)

Human Relations Commission

John Ramer, Chairman
Katie Bernardi
Luis Fuentes
Maria Sanchez
Karen Schumann
Carol Smith
Colleen Malec, Staff Liaison

Liquor Control Commission

Steve Lentz, Commissioner
Dawn Abernathy
Holly Kim
Dakotah Norton
Bill Rekus
Kerston Russell
Ray Semple

Mundelein Community Days Commission

Alex Marx, Chairman
Wally Frasier
Gary Gunther
Vern Lappe
Margaret Resnick
Shah Quaiyoom
Phil Siemal
Mike Flynn, Staff Liaison

APPOINTED COMMISSION/COMMITTEE MEMBERS (as of January 2016)

Plan & Zoning Commission

Scott Black, Chairman

Charles F. Butler, Jr.

Kerry Garesche

Joel Herschenbach

Alex Kvasnicka

Terry Roswick

Sophia Schneckloth

Police Pension Board

Wally Frasier, President

Don Hansen, Vice President

Kathleen Smith, Secretary

James Cupec

Deborah Shutter

VILLAGE OFFICES AND CONTACT INFORMATION

Administration	300 Plaza Circle (847) 949-3200 info@mundelein.org
Building	300 Plaza Circle (847) 949-3283 building@mundelein.org
Customer Service	300 Plaza Circle (847) 949-3283
Engineering	440 East Crystal Street (847) 949-3220 en@mundelein.org
Facility Maintenance	169 North Seymour Avenue (847) 949-3278
Finance	300 Plaza Circle (847) 949-3246 finance@mundelein.org
Fire Department Headquarters	1000 North Midlothian Road (847) 949-3260 mfd@mundelein.org
Fire Department Station 2	1300 South Lake Street (847) 949-2158
Information Technology	300 Plaza Circle (847) 949-2166 helpdesk@mundelein.org
Community Development	300 Plaza Circle (847) 949-3282 planning@mundelein.org

Police Department

221 North Lake Street
(847) 968-4600
mpd@mundelein.org

Public Works

440 East Crystal Street
(847) 949-3270
pw@mundelein.org

Street Division

440 East Crystal Street
Mundelein, IL 60060
(847) 949-3272

Vehicle Maintenance Division

440 East Crystal Street
(847) 949-3274

Wastewater Division

1610 South Milwaukee Avenue
Libertyville, IL 60048
(847) 949-3275

Water Division

440 East Crystal Street
(847) 949-3273

VILLAGE OF MUNDELEIN

300 Plaza Circle • Mundelein, IL 60060

Phone (847) 949-3200 • Fax (847) 949-0143 • www.mundelein.org



**FREEDOM OF INFORMATION ACT
REQUEST FOR RECORDS**

DATE: _____

Name (please print): _____

Company: _____

Address: _____ City, State, ZIP _____

Telephone: _____

I hereby request production of the following public records, described in detail as follows (use the reverse side if necessary): _____

Check which of the following apply:

- I will inspect these records at the Village Hall.
- I request copies of the following records and agree to pay the appropriate fee* upon receipt. If requesting copies of all records listed above, state "all". _____

*There is no charge for the first 50 pages. After 50 pages, the copy fee is 15 cents per page.

- The documents requested will be used for a commercial purpose.
- The documents requested will not be used for a commercial purpose.

Signature

MAIL OR FAX REQUEST TO ADDRESS ABOVE, ATTENTION: FOIA OFFICER

For Office Use Only:	
Number of copies made: _____ x .15 = \$ _____	<input type="checkbox"/> Paid
Inspection only on _____	
Date of compliance, if different than above _____	Processed by _____

ORDINANCE NO. 10-01-01

**AN ORDINANCE OF THE VILLAGE OF MUNDELEIN
GOVERNING FREEDOM OF INFORMATION ACT REQUESTS**

ORDINANCE NO. 10-01-01

BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MUNDELEIN, LAKE COUNTY, ILLINOIS, pursuant to its home rule powers, Section 6 of Article VII of the Constitution of the State of Illinois, as well as all other applicable authority as follows:

SECTION 1. Presumption. All records in the custody or possession of the Village are presumed to be open to inspection or copying.

SECTION 2. Definitions. The definitions applicable to this Ordinance shall be the same as the definitions provided in 5 ILCS 140/2, and as may be amended from time to time.

SECTION 3. Records of funds. All records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public.

SECTION 4. Payrolls. Certified payroll records submitted to the Village under Section 5(a)(2) of the Prevailing Wage Act are public records subject to inspection and copying; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the Village prior to disclosure.

SECTION 5. Arrest reports and criminal history records.

(a) Arrest reports. The following chronologically maintained arrest and criminal history information maintained by State or local criminal justice agencies shall be furnished as soon as practical, but in no event later than 72 hours after the arrest, notwithstanding the time limits otherwise provided for in Section 7 of this Ordinance: (i) information that identifies the individual, including the name, age, address, and photograph, when and if available; (ii) information detailing any charges relating to the arrest; (iii) the time and location of the arrest; (iv) the name of the investigating or arresting law enforcement agency; (v) if the individual is incarcerated, the amount of any bail or bond; and (vi) if the individual is incarcerated, the time and date that the individual was received into, discharged from, or transferred from the arresting agency's custody.

(b) Criminal history records. The following documents maintained by the Village pertaining to criminal history record information are public records subject to inspection and copying by the public pursuant to this Ordinance: (i) court records that

disclosure would endanger the life or physical safety of law enforcement personnel or any other person.

(c) Information described in items (iii) through (vi) of subsection (a) may be withheld if it is determined that disclosure would: (i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement agency; (ii) endanger the life or physical safety of law enforcement or correctional personnel or any other person; or (iii) compromise the security of any correctional facility.

SECTION 6. Settlement agreements. All settlement agreements entered into by or on behalf of the Village are public records subject to inspection and copying by the public, provided that information exempt from disclosure under 5 ILCS 140/7 may be redacted.

SECTION 7. (a) The Village shall make available to any person for inspection or copying all public records, except as otherwise provided in 5 ILCS 140/7. Notwithstanding any other law, the Village may not grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record as defined in this Ordinance.

(b) Subject to the fee provisions of 5 ILCS 140/6, the Village shall promptly provide, to any person who submits a request, a copy of any public record required to be disclosed under subsection (a) of this section and shall certify such copy if so requested.

(c) Requests for inspection or copies shall be made in writing and directed to the Village. Written requests may be submitted to the Village via personal delivery, mail, telefax, or other means available to the Village. The Village may honor oral requests for inspection or copying. The Village shall not require that a request be submitted on a standard form or require the requester to specify the purpose for a request, except to determine whether the records are requested for a commercial purpose or whether to grant a request for a fee waiver. All requests for inspection and copying received by the Village shall immediately be forwarded to its Freedom of Information officer or designee.

(d) The Village shall either comply with or deny a request for public records within five business days after receipt of the request, unless the time for response is properly extended under subsection (e) of this section. Denial shall be in writing as provided in 5 ILCS 140/9. Failure to comply with a written request, extend the time for response, or deny a request within five business days after its receipt shall be considered a denial of the request. If the Village fails to respond to a request within the requisite periods in this section but thereafter provides the requester with copies of the requested public records, it may not impose a fee for such copies. If the Village fails to respond to a request received, it may not treat the request as unduly burdensome under subsection (g).

(e) The time for response under this section may be extended by the Village for not more than five business days from the original due date for any of the following reasons:

1. The requested records are stored in whole or in part at other locations 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 have not been located in the course of routine search and additional efforts are being made to locate them;
5. The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under 5 ILCS 140/7 or should be revealed only with appropriate deletions;
6. The request for records cannot be complied with by the Village within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the Village;
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 the Village having a substantial interest in the determination or in the subject matter of the request.

The person making a request and the Village may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Village agree to extend the period for compliance, a failure by the Village to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(f) When additional time is required for any of the above reasons, the Village shall, within five business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Village fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested public records, it may not impose a fee for those copies. If the Village

requests an extension and subsequently fails to respond to the request, it may not treat the request as unduly burdensome under subsection (g).

(g) 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 and there is no way to narrow the request and the burden on the Village outweighs the public interest in the information. Before invoking this exemption, the Village shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to manageable proportions. If the Village responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Such a response shall be treated as a denial of the request for information. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Ordinance shall be deemed unduly burdensome under this provision.

(h) The time periods for compliance or denial of a request to inspect or copy records set out in this Section shall not apply to requests for records made for a commercial purpose. Such requests shall be subject to the provisions of Section 8 of this Ordinance.

SECTION 8. Requests for commercial purposes.

(a) The Village shall respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall (i) provide to the requester an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in 5 ILCS 140/7 or 140/7.5, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

(b) Unless the records are exempt from disclosure, the Village shall comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

(c) It is a violation of this Ordinance for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose, if requested to do so by the Village.

SECTION 9. This Ordinance is not intended to compel the Village to interpret or advise requesters as to the meaning or significance of the public records.

SECTION 10. Freedom of Information Officers.

(a) The Village hereby designates the Chief of Police as its Freedom of Information Officer for requests for police records submitted to the Police Department, the Chief of Fire as its Freedom of Information Officer for requests for medical records, and the Assistant Village Administrator as its Freedom of Information Officer for all requests not involving police or medical records. Except in instances when records are furnished immediately, the Freedom of Information Officer, or his or her designees, shall receive requests submitted to the Village under this Ordinance, ensure that the Village responds to requests in a timely fashion, and issue responses under this Ordinance. The Freedom of Information Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

Upon receiving a request for a public record, the Freedom of Information 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.

(b) The Freedom of Information Officer shall, within six months after the effective date of this Ordinance, successfully complete an electronic training curriculum to be developed by the Public Access Counselor and thereafter successfully complete an annual training program. Thereafter, 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. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information Officer.

SECTION 11. The Village shall prominently display at each of its administrative or regional offices, make available for inspection and copying, and 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 Village, or which exercises control over its policies or procedures, or to which the Village 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 the Freedom of Information officer or officers, the address where requests for public records should be directed, and any fees allowable under Section 13 of this Ordinance.

(c) The Village shall also post this information on its website.

SECTION 12. As to public records prepared or received after the effective date of this Ordinance, the Village 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 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 13. Authority to charge fees.

(a) When a person requests a copy of a record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format at the option of the requester. The Village may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. The Village may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

(b) Except when a fee is otherwise fixed by statute, the Village may 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. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. If the Village provides copies in color or in a size other than letter or legal, the Village may not charge more than its actual cost for reproducing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the Village to reproduce records, the Village shall not include the costs of any search for and review of the records or other personnel costs

associated with reproducing the records. Such fees shall be imposed according to a standard scale of fees, established and made public by the Village. The cost for certifying a record shall not exceed \$1.

(c) Documents shall 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. For purposes of this subsection, "commercial benefit" shall not apply to requests made by news media when 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. 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.

(d) The fee for each abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended, whether furnished as a paper copy or as an electronic copy.

SECTION 14. Exemptions. The exemptions applicable to this Ordinance shall be the same as the exemptions provided in 5 ILCS 140/7 and 140/7.5, and as may be amended from time to time.

SECTION 15. Denial of Records.

(a) Upon a denial of a request for public records, the Village shall notify the requester in writing of the decision to deny the request, the reasons for the denial, including a detailed factual basis for the application of any exemption claimed, and the names and titles or positions of each person responsible for the denial. Each notice of denial by the Village shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. Each notice of denial shall inform such person of his right to judicial review under 5 ILCS 140/11.

(b) When a request for public records is denied on the grounds that the records are exempt under 5 ILCS 140/7, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to supporting legal authority. Copies of all notices of denial shall be retained by the Village in a single central office file that is open to the public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

SECTION 16. If the Village receives a request for records, and asserts that the records are exempt under 5 ILCS 140/7(1)(c) or (1)(f), the Village shall, within the time

public and indexed according to the type of exemption asserted and, to the extent feasible, according to the types of records requested.

SECTION 16. If the Village receives a request for records, and asserts that the records are exempt under 5 ILCS 140/7(1)(c) or (1)(f), the Village shall, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include: (i) a copy of the request for access to records; (ii) the proposed response from the Village; and (iii) a detailed summary of the Village's basis for asserting the exemption.

SECTION 17. Within seven working days after receipt of a request for review from the Public Access Counselor, the Village shall provide copies of records requested and shall otherwise fully cooperate with the Public Access Counselor.

SECTION 18. Upon receipt of a binding opinion concluding that a violation of this Act has occurred, the Village shall either take necessary action immediately to comply with the directive of the opinion or shall initiate administrative review under 5 ILCS 140/711.5.

SECTION 19. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 20. This Ordinance shall be in full force and effect after passage, approval and publication in pamphlet form.

The foregoing Ordinance was adopted by a roll call vote as follows:

<u>AYES</u>	<u>NAYS</u>	<u>ABSENT AND/OR NOT VOTING</u>
Trustees:	None	None
Voss		
Meier		
Lentz		
Nutschnig		
Semple		
Sullivan		

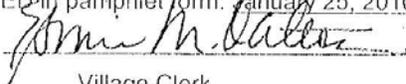


President

PASSED: January 11, 2009

APPROVED: January 11, 2009

PUBLISHED in pamphlet form: January 25, 2010

ATTEST: 

Village Clerk

Legislative Updates

Recurrent Requesters (effective 1/1/2012)

Section 2(g) was added to the Freedom of Information Act (“FOIA”). This section defines a "recurrent requester", as used in Section 3.2 of this Act, means a person that, in the 12 months immediately preceding the request, has submitted to the same public body (i) a minimum of 50 requests for records, (ii) a minimum of 15 requests for records within a 30-day period, or (iii) a minimum of 7 requests for records within a 7-day period. Requests made by news media and non-profit, scientific, or academic organizations shall not be considered in calculating the number of requests made in the time periods in this definition when the principal purpose of the requests is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education.

Section 3.2 was also added to the FOIA Act, and provides that a public body shall respond to a request from a recurrent requester, as defined above, within 21 business days after receipt.

Personnel Costs (effective 1/1/2012)

Section 6(f) was added to the FOIA Act and authorizes an hourly charge of up to \$10 for each hour spent by personnel in searching for and retrieving a requested record, except that fees cannot be charged for the first 8 hours spent by personnel searing for or retrieving a requested record. A public body may charge the actual cost of retrieving and transporting records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body. If a public body imposes a fee pursuant to this section, it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The fee provisions of this section apply *only to commercial requests*.

Public Access Counselor Pre-Approval (effective 1/1/2012)

Section 9.5(b) was amended to provide that pre-approval from the Public Access Counselor is no longer required when a public body asserts that a record is exempt because its release would constitute a clearly unwarranted invasion of personal privacy or because the record is a preliminary draft in which opinions are expressed. This section was further amended to provide that a commercial requester may not file a request for review with the Public Access Counselor, except that a person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.