

**VILLAGE OF LODA  
IROQUOIS COUNTY, ILLINOIS**

**ORDINANCE 2016-02**

**AN ORDINANCE SETTING FORTH  
PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF  
INFORMATION ACT AND AMENDING THE LODA VILLAGE CODE OF 1991  
BY ADDING AN ADDITIONAL CHAPTER TO BE ENUMERATED AS  
CHAPTER 8 OF SAID TITLE 1**

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 enumerated

WHEREAS, it is necessary for the Village of Loda 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.

**CHAPTER 8  
FREEDON OF INFORMATION ACT**

**SECTION I**

Be it ordained by the President and the Board of Trustees of the Village of Loda, Iroquois County, Illinois, that the Loda Village Code of 1991, be and is hereby amended by adding thereto an additional chapter enumerated as Chapter 8 of Title 1 of said code, to read in words and figures as follows:

SECTION 1-8-1: The Village Treasurer is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village shall be referred. Such requests are to be made telephonically to the Village Treasurer, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, at such number posted as a public notice at the door of the Village Hall, and/or at the Village website. At such times, and in the event that the Village Treasurer is not available to receive such request, the Village Clerk is hereby designated as the Deputy FOIA Officer to whom such initial requests may be made. The means for making such request to the Village Clerk shall also be telephonically, by means of a telephone number to be published at the door of the Village Hall, and/or at the Village website. 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 1-8-2: 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 1-8-3: The FOIA Officer and Deputy FOIA Officer shall, within six (6) months after appointment 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 1-8-4: 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 1-8-5: 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 1-8-6: 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 1-8-7: 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 II**

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

**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 Loda

The Village of Loda 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. Water service.
- B. Garbage collection service.
- C. Street and alley.

The Village of Loda has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of Loda is \$438,350.00. The Village's sole office is located at 100 East Washington, in Loda, and the Village also has a pumping station and water tower for its water distribution system. The ERH of 1810 South State Street, Westville, Illinois 61883 is the private contractor to operate the water system of the Village. The members of the boards, commissions and committees of the Village of Loda are as follows:

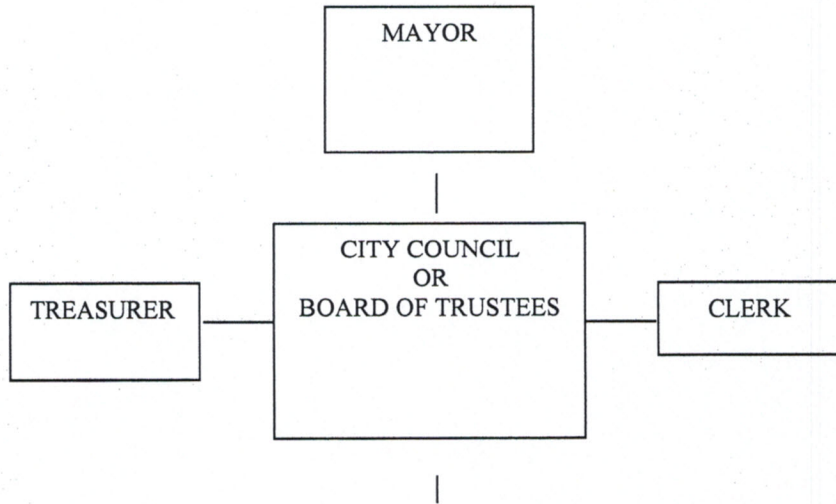
Board - Commission - Committee -	Member	Title
	Carol Arseneau	Village President
	Sandy Zalaker	Village Clerk
	Myles Reck	Village Treasurer
	Pat Allen	Trustee
	Ronda Breeden	Trustee
	Jon Boone	Trustee
	Roy Hilgendorf	Trustee

(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.)

Ronda Breeden	Finance & Parks
Pat Allen	Finance & Streets
Jon Boone	Streets & Water
Roy Hilgendorf	Parks & Water

**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 Loda - Myles Reck, Village Treasurer & FOIA Officer

Any person requesting records of the Village of Loda may make such a request by contacting Myles Reck at \_\_\_\_\_. If he cannot be reached, Deputy FOIA Officer Sandy Zalaker can be reached at \_\_\_\_\_. Another method would be by mailing a written request to 100 East Washington, in Loda, Illinois 60948, 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 Village 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.