

ORDINANCE NO. 1131

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

WHEREAS, the Illinois General Assembly has enacted and amended a Freedom of Information Act (hereinafter "the Act"); and,

WHEREAS, the Act declares that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government and that it is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with the Freedom of Information Act; and,

WHEREAS, it is necessary for the Village of Caseyville 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 such records of the Village.

NOW BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Caseyville as follows:

SECTION 1. SPECIFIC REPEALER. Ordinances No. 926 and 1096 are hereby repealed in their entirety and replaced by the provisions of this Ordinance.

SECTION 2. FREEDOM OF INFORMATION ACT. The Village hereby incorporates the Illinois Freedom of Information Act (hereinafter the "Act"), 5 ILCS 140/1 et seq., by reference as though fully set out at length herein.

SECTION 3. MUNICIPAL INFORMATION DIRECTORY. The Village Clerk shall maintain a Municipal Information Directory (see Exhibit A attached hereto). The Municipal Information Directory shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update the Municipal Information Directory when the need arises without the necessity of an amendment to this Ordinance.

SECTION 4. FUNCTIONAL SUBDIVISIONS OF THE VILLAGE. The Village Clerk shall maintain a block diagram of the functional subdivisions of the Village of Caseyville (see Exhibit B attached hereto). The Functional Subdivisions of the Village shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update this document when the need arises without the necessity of an amendment to this Ordinance.

SECTION 5. GENERAL INFORMATION FOR MUNICIPAL RECORDS REQUESTS. The Village Clerk shall maintain a document for General Information on Municipal Records Requests (see Exhibit C attached hereto). This document shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update the Municipal Records Directory, to comply with the Act, without the necessity of an amendment to this Ordinance.

SECTION 6. LIST OF PUBLIC RECORDS. The Village Clerk shall maintain a List of Public Records retained by the Village (see Exhibit D attached hereto). The List of Public Records shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update the List of Public Records when the need arises without the necessity of an amendment to this Ordinance.

SECTION 7. FREEDOM OF INFORMATION PROCEDURE. The Village Clerk shall maintain a form with the Procedures for Freedom of Information Requests. The Procedures for Freedom of Information Requests Form shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update the form, but not the procedures, when the need arises without the necessity of an amendment to this Ordinance.

SECTION 8. EXEMPTIONS LISTED IN THE ACT. The Village Clerk shall maintain a form with the exemptions listed in the Act. The Exemptions listed in the Freedom of Information Act Form shall be made available for immediate inspection and delivery, free of charge, to anyone who requests the information. The Village Clerk shall have the authority to update this form when the need arises without the need for an amendment to this Ordinance.

SECTION 9. FREEDOM OF INFORMATION OFFICER. The Village Clerk is hereby designated as the Village of Caseyville Freedom of Information Officer. All initial requests for access to the records of the Village shall be directed to and handled by the Freedom of Information Officer. The Freedom of Information Officer shall request each applicant to complete and sign an Information Request Form. Although completion of the Information Request Form is not mandatory, the Freedom of Information Officer shall use the form to process any requests from applicants that complete the form. The Village Clerk shall have the authority to update the Information Request Form when the need arises without the necessity of an amendment to this Ordinance.

SECTION 10. RESPONSE TIME. The Freedom of Information Officer shall either comply with or deny a general request for public records within five business days after receipt of the request. The time for response may be extended, however, for any of the following reasons: (a) the requested records are stored in whole or in part at other locations than the office having charge of the requested records; (b) the request requires the collection of a substantial number of specified records; (c) the request is couched in categorical terms and requires an extensive search for the records responsive to it; (d) the requested records have not been located in the course of routine search and additional

efforts are being made to locate them; (e) 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 Freedom of Information Act or should be revealed only with appropriate deletions; (f) the request for records cannot be complied with by the public body within the time limits prescribed by the Freedom of Information Act without unduly burdening or interfering with the operations of the public body; (g) 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. The person making a request and the public body may also agree in writing to extend the time for compliance for a period to be determined by the parties. In the case of a request for records to be used for a commercial purpose, the Freedom of Information Officer shall respond within twenty-one working days after receipt.

SECTION 11. ORIGINAL RECORDS. Original records of the Village of Caseyville shall not be defaced in any manner. No markings, notations or otherwise shall be made to such records. In no event shall original records be allowed to leave the Village Hall. Defacement, destruction or removal of original records shall be considered "destruction of public property" and be dealt with as provided by law.

SECTION 12. RETRIEVAL OF RECORDS. 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 a Freedom of Information Officer or by a Village employee acting under the direction of a Freedom of Information Officer. In no event shall records be retrieved by the applicant requesting the records or by any person who is not employed by the Village of Caseyville.

SECTION 13. FEES. The fees to be assessed for any Freedom of Information request shall be determined from time to time and published in a written schedule as found in the Village Fee Ordinance. The fees so charged shall reflect the actual cost of copying the records, the cost of certifying copies, and any related postage charges.

SECTION 14. SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance is held invalid, the validity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 15. GENERAL REPEALER. All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are to the extent of such conflict, hereby repealed.

SECTION 16. PASSAGE. This Ordinance shall be in full force and effect after its passage and approval as provided by law.

PASSED by the Village Board of the Village of Caseyville, Illinois on the 19th day of October, 2011, on the following roll call vote:

	Aye	Nay	Abstain	Absent
Rick Casey, Jr.	<u>✓</u>	_____	_____	_____
Pat Dyson	<u>✓</u>	_____	_____	_____
Phil Carlton	<u>✓</u>	_____	_____	_____
Wally Abernathy	<u>✓</u>	_____	_____	_____
Ron Tamburello	<u>✓</u>	_____	_____	_____
Kerry Davis	<u>✓</u>	_____	_____	_____

Approved by the Mayor for the Village of Caseyville this 19th day of October, 2011.

George Chance  
Mayor George Chance

ATTEST:

Leonard Black  
Leonard Black, Village Clerk

**EXHIBIT A**  
**MUNICIPAL INFORMATION DIRECTORY**  
Village of Caseyville, Illinois

The Village of Caseyville, Illinois 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. Water and sewer service
- C. Street maintenance
- D. Village park
- E. Village cemetery

The Village of Caseyville, Illinois has certain functional subdivisions which are shown on Exhibit B attached hereto. The approximate amount of the operating budget of the Village of Caseyville, Illinois is \$6,000,000. The Village's sole office is located at 909 South Main Street in Caseyville, Illinois, and the Village also has Maintenance Facility located at 13 West Barrett Street. The Village currently employs approximately 60 full and part-time employees. The elected officials and the appointed members of the boards, commissions and committees of the Village of Caseyville, Illinois are as follows:

**Elected Officials:**

George Chance, Mayor  
Leonard Black, Clerk  
Wally Abernathy, Village Trustee  
Phil Carlton, Village Trustee  
Rick Casey, Jr., Village Trustee  
Kerry Davis, Village Trustee  
Pat Dyson, Village Trustee  
Ron Tamburello, Village Trustee

**Appointed Officials:**

Public Works Superintendent

Brian Rader

Zoning Administrator

Paul McNamara

Office Manager

Denise Logan

Treasurer

Michael Brokering

Attorney

Duane Clarke

Board of Police Commissioners

Ace Hart, Chairman  
Dixie Volluz  
James Walker

Planning Commission

1. John Wilson, Chairman
2. William Black, Jr., Vice-Chairman
3. Martin Scott, Secretary
4. Dan Cary
5. Mary Ann Kinnard
6. Matt Modrovsky
7. Ginnetta Clark
8. Mike Chance
9. Rocky Demond
10. Marge Zimmerman – non-voting staff

Zoning Board of Appeals

1. John Wilson, Chairman
2. Dorma Wildermuth
3. Clancey Norberg
4. Robert Lee
5. Blaine Howell
6. Rose Munoz
7. Jamie Miller

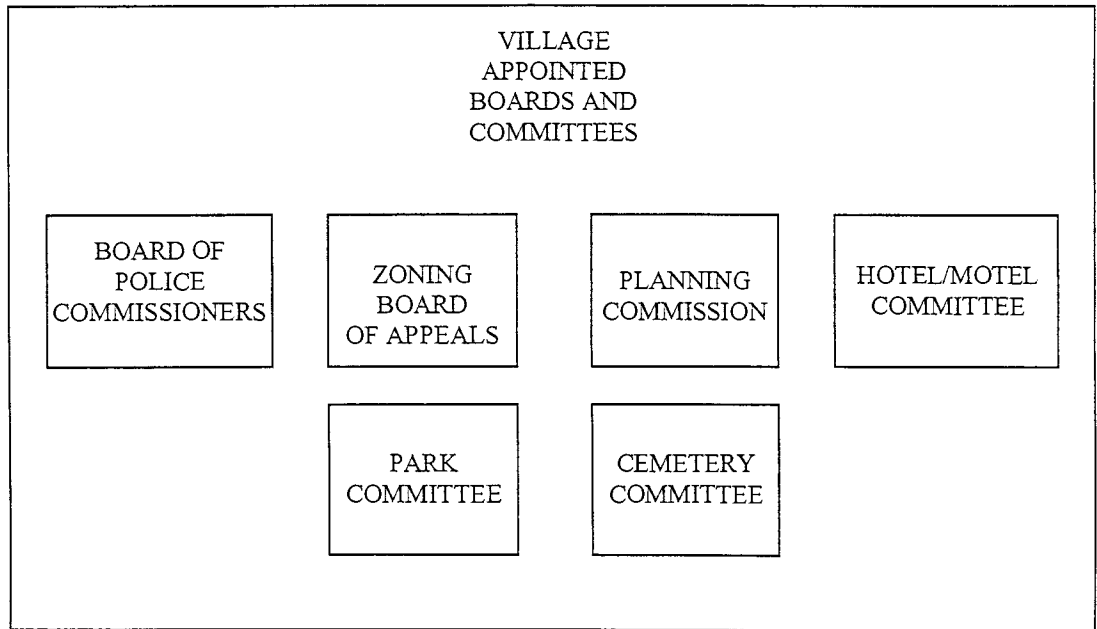
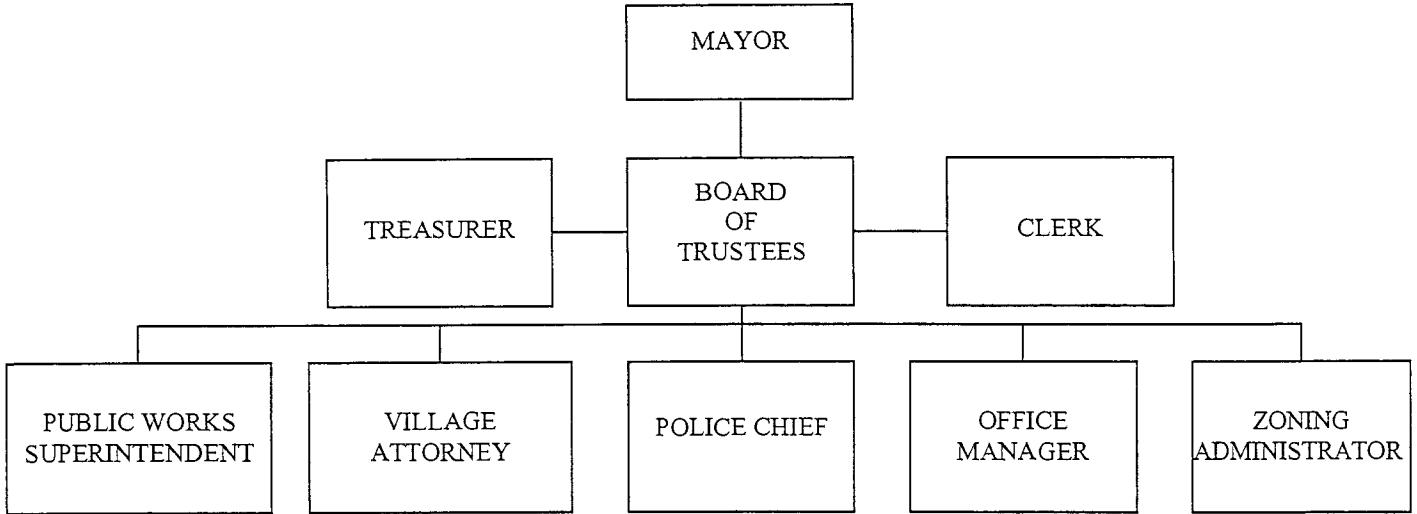
Hotel/Motel Committee

1. George Chance
2. Pat Dyson
3. Best Inns Representative
4. Motel Six Representative
5. Quality Inn & Suites Representative
6. Days Inn Representative
7. First Western Inn Representative

Cemetery Board

1. Ada Knussmann, Co-Chairman
2. Bob Stephens, Co-Chairman

**Exhibit B**  
**FUNCTIONAL SUBDIVISIONS**  
**OF THE VILLAGE OF CASEYVILLE, ILLINOIS**



**Exhibit C**  
**GENERAL INFORMATION ON MUNICIPAL RECORDS REQUESTS**  
**OF THE VILLAGE OF CASEYVILLE, ILLINOIS**

Any person requesting records of the Village of Caseyville, Illinois may make such a request either at the Village Hall, located at 909 South Main Street, or in writing to the attention of Leonard Black, Village Clerk and Freedom of Information Officer. Any request must specify in particular the records requested to be disclosed, inspected or copied. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

Under some circumstances you may have the right to view or have copied public records immediately. Otherwise, the Village will provide a response as required by the provisions of the Act.

Original records provided for viewing shall not be defaced in any manner. No markings, notations, or otherwise shall be made to such records. In no event shall original records retrieved be allowed to leave the Village Hall. Defacement, destruction or removal of original records shall be considered "destruction of public property" and dealt with as provided by law.

No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested from the Village. Thereafter, there will be a fee of 15 cents per page for black and white, letter or legal sized copies. Any requests for copies in color or in a size other than letter or legal will incur a fee equal to the actual cost for reproducing the records. For any electronic or digital request, the Village shall charge for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. The cost of certifying any records shall be one dollar (\$1.00).

Copies of records shall be furnished without charge or at a reduced charge, as determined by the Village, if the person requesting the documents shows that a waiver or reduction of the fee is in the public interest. A request may be 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. A request is not in the public interest if the principal purpose is for a commercial benefit. In setting the amount of the waiver or reduction, the Village shall take into consideration the amount of materials requested and the cost of copying them.



**Exhibit D**  
**LIST OF PUBLIC RECORDS**

The Freedom of Information Act requires the Village to provide the following list of public records under its control to aid persons in obtaining access such public records. Please note that the Act requires a list, but not a listing of every individual record. Suggested below are different types of categories to cover the records that the Village 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.

Administration records

- (a) Board of Trustees agendas
- (b) Board of Trustees minutes
- (c) ordinances and resolutions
- (d) liquor licenses and applications
- (e) business licenses and applications
- (f) correspondence sent or received by the Village
- (g) deeds
- (h) leases
- (i) property information
- (j) contracts
- (k) governmental agreements
- (l) collective bargaining agreements
- (m) consultant information
- (n) personnel information
- (o) legal notices

Financial records

- (a) budgets
- (b) appropriation ordinances
- (c) audits
- (d) bills
- (e) statement of tax receipts
- (f) treasurer reports
- (g) payroll information
- (h) account statements

Zoning records

- (a) village maps
- (b) subdivision plats
- (c) development code
- (d) building permits, applications & inspection reports
- (e) special use permits and applications
- (f) variance requests and applications
- (g) correspondence sent or received by the Village
- (h) consultant information
- (i) public hearing information