

ORDINANCE NO: 2024 - 01

Amended: 6-13-2024

**ORDINANCE AMENDING ORDINANCE 2013-15 ILLINOIS FREEDOM
INFORMATION ACT**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper;

WHERE AS, the Freedom of Information Act (FOIA) took effect on July 1, 1984 (5 ILCS 140/1 *et seq.*);

WHERE AS, FOIA is intended to provide the public with access to the records of public bodies;

WHEREAS, it is necessary for the Village of North Henderson, Mercer County, Illinois, hereinafter "North Henderson" to establish practices and procedures ensuring its full compliance with FOIA, so that the public policy stated therein can be carried out effectively and efficiently with respect to the records of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Henderson as follows:

Section 1: The Village Clerk is hereby designated as the Freedom of Information, hereinafter "FOIA" Officer, to whom all initial requests for access to the records of the Village to be referred. Such requests are to be made at the office of the clerk at 206 South St. PO Box 101, North Henderson, Illinois, 61466 or email villagenh@gmail.com, between the hours of 9am – 12:00 Noon, Monday, Wednesday and Friday. In the event that the Village Clerk is not available during the times described above, the Mayor/Trustee 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 or her designee(s), shall receive requests submitted to the Village under FOIA, ensure that the Village responds to FOIA requests in a timely fashion and issue responses as required or authorized under FOIA. The FOIA Officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

Section 2: The FOIA Officer's term of appointment shall commence upon adoption of This Ordinance. All FOIA Officers that are appointed shall be subject to the terms and conditions of this Ordinance on a continuing basis.

Section 3: Request for inspection or copies shall be in writing and directed to the Village. Such request shall be submitted by personal delivery, e-mail, postal mail or any other means available to the public body.

Section 4: Upon receiving a request for a public record, the FOIA Officer shall:

IML Model Ordinance: Freedom of Information Act

- (1) Note the date the Village receives the written request;
- (2) Compute the day (5 business days) on which the period for response will expire and make a notation of that date on the written request;
- (3) Respond to the request in the time period provided in the Act;
- (4) 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,
- (5) 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 relating to the request.

Section 5: The FOIA Officer and Deputy FOIA Officer(s) shall, within 30 days of designation, successfully complete an electronic training curriculum through the Illinois Attorney General Public Access Counselor and thereafter successfully complete an annual training program. Whenever a new FOIA Officer is designated by the Village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

Section 6: Any records which are the subject of a request under FOIA shall be retrieved from such place as they are stored by the FOIA Officer, or by the Village Mayor/ Trustee 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 7: 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 FOIA. The FOIA Officer shall maintain a written schedule of current fees at 206 South Street, North Henderson, Illinois. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested,

Section 8: In the event that a request to inspect the Village records is denied by the FOIA Officer, the denial may be appealed to the Illinois Attorney General Public Access Counselor.

Section 9: The FOIA Officer 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 Catalog containing a list of all types of records under village control, all of which shall be substantially in the same form as the documents attached here to and made a part here of as Exhibits A, B, C, and D. This information shall also be posted on the Village's website.

Section 10: Repeal of Conflicting Provisions. All ordinances, resolutions and policies, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 11; Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

IML Model Ordinance: Freedom of Information Act

Section 12: This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED in due form on a roll call vote by the Trustee of the village of North Henderson, Mercer County, Illinois at a duly held meeting on the 13 day of June 2024.

| | |
|--------------|----------|
| AYES: | <u>3</u> |
| NAYS: | <u>0</u> |
| ABSTENTIONS: | <u>0</u> |
| ABSENT: | <u>2</u> |

APPROVED 13 day of June 2024.



Carol Rogers
Mayor/Village President/Town President

ATTEST:

Clerk of the Village of North Henderson,
Mercer County, Illinois

ATTACHED EXHIBITS

EXHIBIT A - MUNICIPAL INFORMATION DIRECTORY

1. Entire Village of North Henderson

EXHIBIT B - SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS

1. Entire Village of North Henderson

EXHIBIT C - MUNICIPAL RECORDS DIRECTORY

1. Contact Village clerk or Deputy FOIA Officer

EXHIBIT D - CATALOGING AND INDEXING OF PUBLIC RECORDS

1. Contact Village Clerk or Deputy FOIA Officer

EXHIBIT A

MUNICIPAL INFORMATION DIRECTORY

Village of North Henderson

The Village of North Henderson 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. Recycle Deposit.
- C. Street Lighting.
- D. Parks

The Village of North Henderson has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of North Henderson is \$660,850.00. The Village's sole office is located at 206 South Street, in North Henderson, Illinois, and the Village also has a pumping station for its water distribution system located at 310 Main Street, North Henderson, Illinois. The Village of North Henderson currently employs 0 full-time and 0 part-time employees. The members of the board, commission or committee of the Village of North Henderson as follows:

| Board - Commission - Committee | Title |
|--------------------------------------|-------------------|
| Carol Rogers | Village President |
| Melody Hall | Village Clerk |
| Diane Brown | Village Trustee |
| Angie Chandlee | Village Trustee |
| Karin Simkins | Village Trustee |
| Christian Spahr | Village Trustee |
| Cheryl Stevens | Village Trustee |
| Gary Whitcomb | Treasurer |
| Bob Shull | Water Operator |

EXHIBIT B
DIAGRAM OF FUNCTIONAL SUBDIVISIONS
VILLAGE OF NORTH HENDERSON

Village President

Treasurer

Board of Trustees

Clerk

The Freedom of Information Officer(s) for the Village of North Henderson is:

Name:

Contact information:

Melody Hall

206 South Street, PO Box 101
villagenh@gmail.com

Carol Rogers

206 South Street, PO Box 101
villagenh@gmail.com

Diane Brown

206 South Street, PO Box 101
villagenh@gmail.com

EXHIBIT C
MUNICIPAL RECORDS DIRECTORY
VILLAGE OF NORTH HENDERSON

Any person requesting records of the Village of North Henderson may make such a request either in person, at the clerk's office located at 206 South Street, a request should be made to Melody Hall FOIA Officer at such address and if he or she is not present in person, you should see Carol Rogers, Deputy FOIA Officer. Another method would be by mailing, or emailing a written request to PO Box 101, North Henderson, IL 61466; or e-mailed at villagenh@gmail.com. either Melody Hall, FOIA Officer or Carol Rogers, Deputy Freedom of Information Officer 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** per page.

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 of North Henderson, 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 catalog 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 catalog or list exempt records. However, you may wish to maintain a separate catalog 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) 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) administrative memoranda; (2) board minutes; (4) board resolutions; (5) board ordinances; (6) correspondence received by municipality; (7) correspondence from municipality; (8) bidding specifications; (8) board policies; (10) administrative rules and regulations; (11) village maps; (12) building ordinance; (13) personnel files; (14) office equipment; (15) insurance; (16) real estate; (17) legal notices; (18) newspaper articles; (19) consulting contracts; (20) contracts for maintenance and repair; (21) professional consultant contracts; (22) worker's compensation records; (23) training records; (24) official bonds; (25) village vehicles; (26) village liens; (27) etc. Again, the above list is not meant to be exhaustive. While you certainly need not catalog 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.