

VILLAGE OF PEOTONE

FREEDOM OF INFORMATION ACT GUIDELINES

January 1, 2010

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VILLAGE INFORMATION DIRECTORY

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GUIDELINES

I. Compliance

It is the policy of the Village of Peotone to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the "Act", (5 ILCS 140/1 et. seq.). The Village acknowledges its obligation to provide public records to requesters as expediently and efficiently as possible pursuant to the Act. All public records as defined in the Act are presumed to be open to inspection and copying and unless a requested record is believed to be exempt from disclosure under Section 7 or 7.5 of the Act, it shall be made available in a prompt and efficient manner.

II. Requesting Records

- A. A request for records must be in writing and directed to the Village. Requests should be sent to the Village Hall addressed to the appropriate Village Freedom of Information Officer. However, any requests received by the Village shall be processed. Upon receipt of a request for records, the request shall be immediately given to a Village Freedom of Information Officer.

Any person requesting records for a commercial purpose must advise the Village that the request is for a commercial purpose and such a request will be handled in the manner described in sub part D below.

Any person orally requesting records shall be advised to put the request in writing to the Village directed to the attention of the appropriate Village Freedom of Information Officer. Any person requesting records may, but shall not be required to, use the "Request for Inspection or Copying of Records" form. This form shall be made available to any person upon request.

Records will be made available for inspection and copying during regular business hours at:

Village Municipal Complex
P.O. Box 430
208 E. Main Street
Peotone, Illinois 60468

- B. Village Freedom of Information Officer.

The Village has designated the following as Freedom of Information Officers:

Requests for the Police Department

Name: Debra Ivanoff

Address: P.O. Box 459, 208 E. Main St. Peotone, IL 60468

Phone: 708-258-9236

Requests for the Village information other than the Police Department

Name: Donna Werner

Address: P.O. Box 430, 208 E. Main St. Peotone, IL 60468

Phone: 708-258-3850

Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) note the date the Village received 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 related to the request.

C. Content of Requests. All requests should, to the extent reasonably possible, specify with particularity, the records requested to be retrieved and copied. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified.

D. Requests for Commercial Purposes.

In accord with the requirement of the Act, any person requesting public records for a commercial purpose must inform the Village that the requested records are to be used for a commercial purpose. The Village's response to such a request shall be made within 21 days and shall otherwise be in accord with the applicable provisions of the Act. Section 2c-10 of the Act defines commercial purpose to mean:

the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the

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.

III. Responses to Requests for Records

Within five (5) working days after receipt of a written request for records the Village Freedom of Information Officer will provide, one or more of the following responses to the person requesting the records (NOTE: day one of the timeline is the first working day after the request is received):

1. Advise in writing that the records are available for inspection or copying at a designated location within the Village. If copies have been requested, that the records are available for pickup at a designated location within the Village along with a statement of the required fee if any. However, in the event that the fee for copying the requested records exceeds Ten Dollars, the records will not be copied unless the fee is paid in advance and the requesting party shall be advised of this requirement.
2. That the five-day limitation has been extended to not more than five (5) additional working days pursuant to Section VII below.
3. Advise in writing that the request is unduly burdensome due to its categorical nature or size and that the requesting party has the opportunity to meet and confer with a Village Freedom of Information Officer to attempt to make the request manageable.
4. Deny, in whole or in part, the request in writing, stating the specific basis for denial to include a detailed factual basis for the application of the claimed exemption. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof.

IV. Intent to Deny Request

If the Village receives a request for public records and asserts that the requested records are exempt from disclosure under either subsection (1)(c) or subsection (1)(f) of Section 7 of the Act, the Village's Freedom of Information Officer shall, within the time limit for the response (five (5) working days), provide written notice to the requester and to the Public Access Counselor of the Village's intent to deny the request in whole or in part. This notice shall include: (1) a copy of the request for the records; (2) the proposed response from the Village; and (3) a detailed summary of the Village's basis for asserting the exemption.

V. *Right to Review by PAC and to Judicial Review*

Any denial of a request for public records shall include a statement that the person requesting the records has the right to a review of the denial by the Public Access Counselor and shall provide the address and phone number of the Public Access Counselor. The requester shall also be informed of the right to seek judicial review pursuant to Section 11 of the Act.

VI. *Exempt Records*

Certain public records are exempt from copying and inspection pursuant to Sections 7 and 7.5 of the Act. If any public record exempt from disclosure under Section 7 of the Act contains any material which is not exempt, the Village may elect to redact the information that is exempt and make the remaining information available for inspection and copying.

VII. *Extension of Time to Comply*

The time limit of five (5) working days to comply with a request for records may be extended in each case for not more than five (5) additional working days for certain reasons noted in the Act. If the time is to be extended, Notice shall be given to the requester in writing, indicating the reason for the extension of time for disclosure.

The requester and the Village may agree in writing to extend the time of compliance for an agreed upon period of time.

VIII. *Retrieval and Copying*

Retrieval and copying of records is limited only to Village Freedom of Information Officers or employees of the Village designated by the Village Administrator, Clerk or Chief of Police.

IX. *Inspection of Records*

Inspection of records shall only be permitted in the presence of a Village Freedom of Information Officer or an employee of the Village designated by the Village Administrator, Clerk, or Chief of Police.

X. Catalog of Records

Records received or prepared beginning July 1, 1984, are catalogued by type as listed in these guidelines.

XI. Central File for Denial Letters

A central file of copies of all denial letters, indexed by the type of exception for the denial, will be maintained by the Office of the Village Clerk.

XII. Fees

The fees for copies of records shall be as provided below or as otherwise determined by the Village Board from time to time.

- A. No fee shall be charged for the first 50 pages of black and white copies requested.
- B. \$.15 per page, after 50 for black and white copies.
- C. Actual cost for color copies or electronic medium.
- D. \$1.00 per certificate if the copies are to be certified.

If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than for personal benefit or commercial gain and requests that the fee be waived or reduced, the Village Administrator may, upon inquiry of the precise reason for the request, grant such waiver or reduction as he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the Village Administrator, such appeal is to be made to the Village Board, in writing.

XIII. Questions

Should any person have any questions regarding access to public records of the Village that are not answered in the Guide, those questions may be addressed to the appropriate Village Freedom of Information Officer or to the Village Administrator.

VILLAGE INFORMATION DIRECTORY

XIV. MUNICIPAL COMPLEX

The Village of Peotone is an Illinois municipal corporation located in Will County, Illinois. The Village is organized under the laws of the State of Illinois. The Village is governed by an elected President and six Trustees. The offices of the Village are located in the Municipal Complex, P. O. Box 430, 208 E. Main Street, Peotone, IL 60468.

XV. PRESIDENT AND TRUSTEES

- A. The President and the Trustee of the Village are:

Richard Duran, President
Richard Reichert, Trustee
Jerome Wicker, Trustee
Daniel Liberatore, Trustee
Chris Russell, Trustee
Laura Eckman, Trustee
Christopher Forsythe, Trustee

- B. Committees. The Village maintains five standing committees as follows:

<u>Committee</u>	<u>Chairperson(s)</u>
Administrative Oversight	Christopher Russell
Police	Jerome Wicker
Public Works	Dan Liberatore
Building	Richard Reichert
Planning and Zoning	Gary Hudson

- C. Police Pension Board, David Rock, Chairman.

XVI. Employees

The Village employs approximately 20 full-time employees and approximately 12 part-time employees.

XVII. Operating Budget

The operating budget of the Village is approximately \$4.1 M

XVIII. Organizational Chart

A block diagram of the functional subdivisions of the Village is set forth on page eight of these Guidelines.

XIX. List of Records

A records list of the types or categories of records maintained by the Village.

GENERAL VILLAGE

- AGENDAS
- AGREEMENTS
- AUDITS
- CONTRACTS
- LICENSES
- LIENS
- MEETING MINUTES
- ORDINANCES
- PAYABLES
- PERMITS
- PROCLAMATIONS
- RESOLUTIONS
- SPECIAL USES
- VARIANCES
- ZONINGS

POLICE

- ACCIDENT RECORDS
- ADULT ARREST RECORDS
- ASSET FORFEITURE FILES
- EVIDENCE PROPERTY FILES
- EXPUNGEMENT FILES
- GRANT RECORDS
- ILLINOIS UNIFORM CRIME RPEORTS
- INTOXILYZER CERTIFICATIONS / LOGS
- INCIDENT REPORTS
- MISSING PERSONS REPORTS
- OFFICER ACTIVITY REPORTS
- PARKING, COMPLIANCE, WARNING TICKETS
- RACIAL PROFILING DATA COLLECTION RECORDS
- RULES AND REGULATIONS, POLICIES AND PROCEDURES, GENERAL AND SPECIAL ORDERS
- SEX OFFENDER REGISTRATIONS
- TRAFFIC STUDIES
- TRAFFIC TICKETS

ORGANIZATIONAL CHART

The following block diagram of the functional subdivisions of the Village.

