

ORDINANCE NO. 867

**AN ORDINANCE TO REVISE THE VILLAGE OF COBDEN'S POLICY AND PROCEDURES
WHICH SET FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF
INFORMATION ACT**

Adopted by the
Village Board of Trustees
Of the
Village of Cobden
on this 6TH day of August, 2012

Published in pamphlet form by the authority of the Village Board of Trustees of the
Village of Cobden, Union County, Illinois, on this 7TH day of August, 2012

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AN ORDINANCE TO REVISE THE VILLAGE OF COBDEN'S POLICY AND PROCEDURES WHICH SET FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF INFORMATION ACT

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

WHEREAS, it is necessary for the Village of Cobden 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.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Cobden, Union County, as follows:

SECTION 1. The Village Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the office of the Village Clerk at 112 East Maple Street, Cobden, Illinois, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. In the event that the Village Clerk is not available during the times described above, the Deputy Village Clerk is designated as the Deputy FOIA to whom such initial requests are to be made. 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 the 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 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 3. The FOIA Officer and Deputy FOIA Officer shall, within six (6) months after January 1, 2010, 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 Act Officer

is designated by the Village, that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

SECTION 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 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 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 7. The Village Clerk shall prepare: (a) a Municipal Information Directory; (b) a Municipal Records Requests and Fees; (c) a Catalogue of Public Records; and (d) a sample FOIA Request Letter (e) a sample FOIA Appeal Letter (f) a block diagram of the Functional Subdivisions of the Village, 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", "D", "E" and "F". This information shall also be posted on the Village's website.

SECTION 8. THIS ORDINANCE shall be in full force and effect immediately upon its passage and approval as required by the law.

PASSED this 6th day of August, 2012, by the Village Board of Trustees of the Village of Cobden, County of Union, Illinois,

APPROVED this 6th day of August, 2012, by the President of the Village of Cobden, County of Union, Illinois.


Molly Beckley, Village President

Attest:


Karen M. Winzenburger, Village Clerk

Record of Vote:

Ayes:	6 – Brumleve, Eddington, Gomez, Maze, Stewart, Swedlund
Nays:	0 – None
Absent:	0 – None

ATTACHED EXHIBITS

EXHIBIT 'A' – MUNICIPAL INFORMATION DIRECTORY

EXHIBIT "B" – MUNICIPAL RECORDS REQUESTS AND FEES DIRECTORY

EXHIBIT "C" – CATALOGUE OF PUBLIC RECORDS

EXHIBIT "D" – SAMPLE FOIA REQUEST LETTER

EXHIBIT "E" – SAMPLE FOIA APPEAL LETTER

EXHIBIT "F" – BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS

EXHIBIT “A”

MUNICIPAL INFORMATION DIRECTORY

VILLAGE OF COBDEN

The Village of Cobden 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. Fire Protection
- C. Sewer Service
- D. Water Service
- E. Natural Gas Service
- F. Garbage Collection Service

The Village of Cobden has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of Cobden is \$1,690,630.00. The Village's sole office is located at 112 East Maple Street in Cobden. The Village currently employs approximately 19 full and part-time employees. The members of the boards, commissions and committees of the Village of Cobden are as follows:

Village President – Molly Beckley
Village Clerk – Karen M. Winzenburger
Village Treasurer – Lou Ann Hartline
Deputy Village Clerk – Maria E. Braden

Police Chief – David Isom
Fire Chief – Jeff Nance

Village Board Members and Committees (* denotes chairman)

Finance:	Pat Brumleve *
	Frances Swedlund
Utilities:	Dennis Maze *
	Alan Eddington
Cemetery:	Patrick Brumleve *
	David Stewart
Streets & Sidewalks:	Frances Swedlund *
	Alma Gomez
Public Safety:	Alan Eddington *
	David Stewart
Park & Beautification:	Dennis Maze *
	Alma Gomez

Cemetery Board of Managers:

Ron Flamm
Homer Forby
Blayne Smith

Liquor Advisory Board:

Molly Beckley *
David Isom
Jill Womick-Bloodworth
Alan Eddington

Board of Appeals

Kenneth Chilman
Rich Cooper
Raymond Flamm
Ruth Hardin
Lou Ann Hartline
Susan Steck
Mary Anna Weakley

Plan Commission

David Cox*
Jeannie Britt
Dustin Fisher
Anna B. Forby
John Fraedrich
Paul Frank
Rose Hogan
Debbie Stroehlein

EXHIBIT "B"

MUNICIPAL RECORDS REQUESTS AND FEES

VILLAGE OF COBDEN

Any persons requesting records of the Village of Cobden may make such a request either in person, orally or in writing at the Village Clerk's office located at 112 East Maple Street, Cobden, IL. Such requests should be made to Karen M. Winzenburger, FOIA Officer, at such address and if she is not present in person, you should see Maria Braden, Deputy FOIA Officer. Another method would be by mailing, faxing or emailing a written request to either Mrs. Winzenburger or Mrs. Braden 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 (mailing address is P.O. Box 218, Cobden, IL 62920). 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 copied, are as follows:

First 50 pages, black and white, letter or legal size, 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 “C”

CATALOGUE OF PUBLIC RECORDS

VILLAGE OF COBDEN

The following is a list (catalogue) of categories of records under the control of the Village of Cobden. Note: This listing may contain exempt records.

- Budget Information
- Audit Reports
- Accounts Payable and Receivable
- Revenue Receipts
- Canceled Checks
- Bank Statements
- Utility Billings
- Tax Revenue
- Receipts for Fines
- Tax Levies
- Liquor Licenses
- Other Village Licenses
- Building Permits
- Zoning Records
- Salary Schedules
- Utility Taps
- Minutes of Village Board and Other Boards, Committees and Commissions
- Resolutions
- Ordinances
- Correspondence
- Bids
- Administrative Policies, Rules and Regulations
- Personnel Code including Alcohol and Drug Testing Policies
- Maps
- Comprehensive Plan
- Equipment
- Insurance
- Capital Assets
- Notices
- Contracts
- Worker's Compensation Records
- Training Records
- Record of Liens
- Police Department Records
- Cemetery Deeds and Records
- Other records may be available upon inquiry

EXHIBIT "D"

SAMPLE FOIA REQUEST LETTER

Village Clerk
Village of Cobden
P O Box 218
112 East Maple Street
Cobden, IL 62920

Re: Illinois Freedom of Information Act

This is a request for information under the Illinois Freedom of Information Act.

I request that a copy of the following documents (or documents containing the following information) be provided to me: (Be as specific as you can in identifying the documents or information you are seeking.) _____

(Initial the following options that you choose.)

_____ I would like to inspect these records in person

_____ I would like to obtain copies of these records.

_____ I understand that the Act permits a public body to charge a reasonable copying fee not to exceed the actual cost of reproduction and not including the costs of any search or review of the records. I am willing to pay fees for this request up to a maximum of \$_____. If you estimate that the fees will exceed this limit, please inform me first.

_____ I request a waiver of all fees for this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Village and is not primarily in my commercial interest. (Include a **specific** explanation of why your request is in the public interest.)

Requested by:

Printed Name

Street or Mailing Address

City, State, Zip

Date

Signature

EXHIBIT "E"

SAMPLE FOIA APPEAL LETTER

Village President
Village of Cobden
P O Box 218
112 East Maple Street
Cobden, IL 62920

Re: Illinois Freedom of Information Act Appeal

This is an appeal under the Illinois Freedom of Information Act. On _____ (insert date), I requested documents from the Village of Cobden. On _____ (insert date), I received a response to my request in a letter signed by _____ (insert name of official). The public body denied my request for information, citing section _____ (insert section of the Act that the public body cited as a reason for denying the information).

I am appealing the denial of my request, under subsection 10(1) of the Act. The documents that were withheld must be disclosed under the FOIA because (insert an explanation of why you believe the documents are public under the Act.)

I look forward to a decision on this appeal of the denial of my FOIA request within seven working days as provided under the Act.

Requested by:

Printed Name

Street or Mailing Address

City, State, Zip

Date

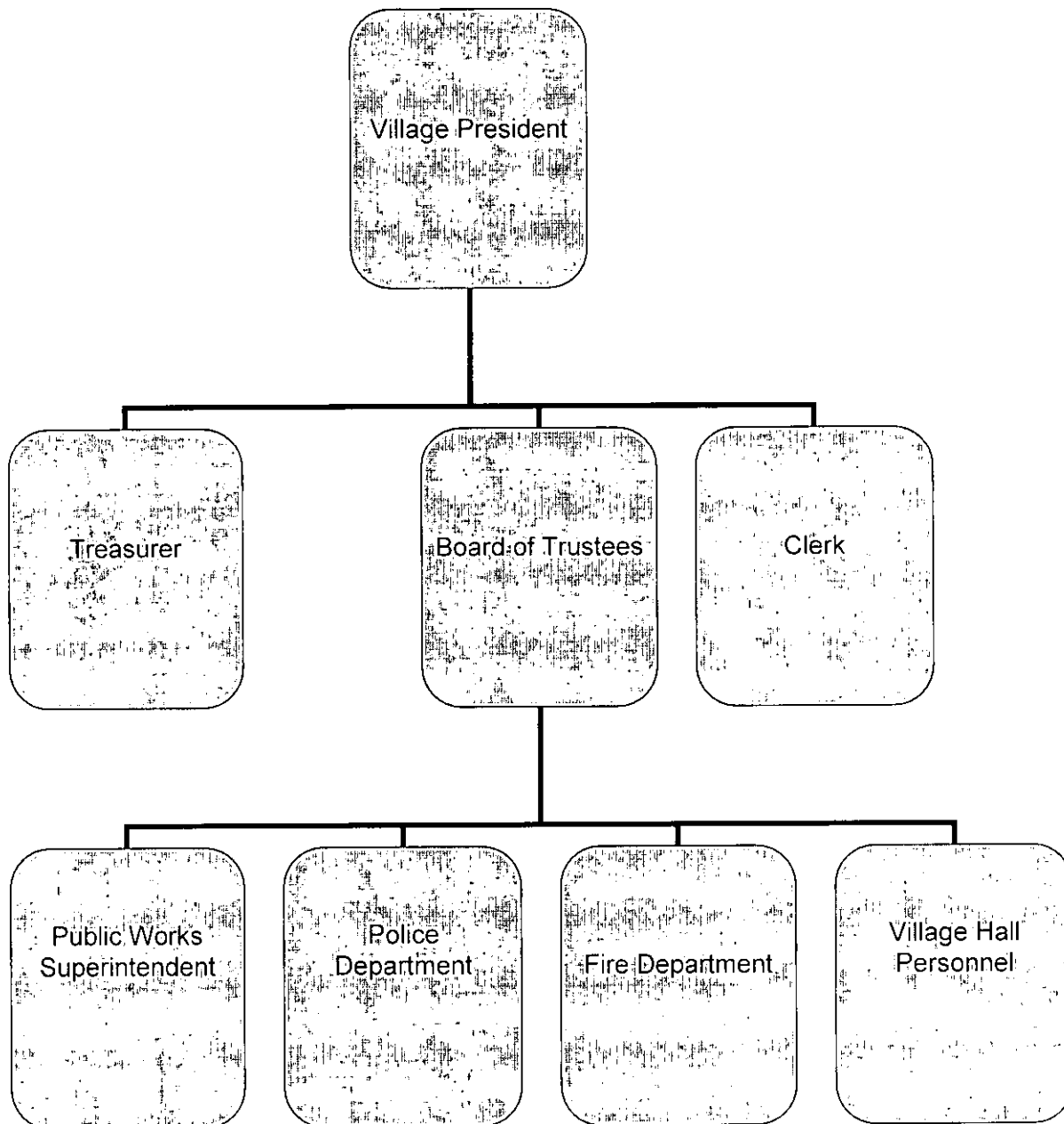
Signature

Exhibit "F"

Village of Cobden

Functional Subdivisions

Freedom of Information Act Officers for the Village are: Karen M. Winzenburger
Maria E. Braden
Village Hall – 112 East Maple Street



STATE OF ILLINOIS)
COUNTY OF UNION)

CERTIFICATE

I, Karen M. Winzenburger, certify that I am the duly elected and acting Village Clerk of the Village of Cobden, Union County, Illinois.

I further certify that on August 6, 2012, the Village Board of Trustees of the Village of Cobden, Illinois, passed and adopted ORDINANCE NO. 867 entitled **AN ORDINANCE TO REVISE THE VILLAGE OF COBDEN'S POLICY AND PROCEDURES WHICH SET FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF INFORMATION ACT** which provided by its passage that it be published in pamphlet form.

The pamphlet form of Ordinance No. 867 including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance was posted in the Village Hall for a period of at least ten days commencing on the 7th day of August, 2012. Copies of such ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Cobden, Illinois, this _____ day of _____, 2012.

Karen M. Winzenburger, RMC
Village Clerk