

VILLAGE OF PLAINFIELD

ORDINANCE NO. 2908

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, SECTION 2-2  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD  
"FREEDOM OF INFORMATION ACT"

ADOPTED BY THE  
PRESIDENT AND BOARD  
OF TRUSTEES OF THE  
VILLAGE OF PLAINFIELD  
THIS 21<sup>ST</sup> DAY OF DECEMBER, 2009.

Published in pamphlet form by  
the authority of the President  
and Board of Trustees of the  
Village of Plainfield, Will  
County, Illinois, this 22nd  
day of December, 2009.

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AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 1, SECTION 2-2  
OF THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD  
"FREEDOM OF INFORMATION ACT"

WHEREAS, the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, (the "Act") was recently amended to include additional responsibilities on local government when providing records pursuant to the Act; and

WHEREAS, the recent amendments to the Act become effective on January 1, 2010; and

WHEREAS, the Village may, subject to compliance with the Act, promulgate rules and regulations in conformity with the Act pertaining to the availability of records and procedures to be followed, including but not limited to the (a) designation and public identification of the Village's Freedom of Information Officer(s); (b) method for making requests for inspection or copying of public records; (c) location where and times when requested records will be available; (d) the establishment of fees reasonably calculated to reimburse the Village for its actual cost of reproducing and certifying public records and for the use of the Village's equipment to copy such records; and

WHEREAS, the Village President and Village Board of Trustees ("Village Board"), have determined it warranted and necessary to amend Chapter 2, Article 1, Section 2-2 of the Village's Code of Ordinances to properly address the Village's obligations pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PLAINFIELD, WILL COUNTY, ILLINOIS, as follows:

SECTION ONE. That the Preamble to this Ordinance is adopted by this reference as if fully set forth herein.

SECTION TWO. That Chapter 2, Article 1, Section 2-2 of the Village's Code of Ordinances, entitled "Freedom of Information Act" be and hereby is amended as set forth in Section Three below.

SECTION THREE.

#### **DIVISION 1. GENERALLY**

##### **Sec. 2-2. Freedom of Information Act.**

The "Village of Plainfield Freedom of Information Act Rules and Regulations" attached to this Ordinance as Exhibit "A" are hereby adopted and made a part of this section and shall be utilized by the Village to carry out the provisions of the Freedom of Information Act.  
(Ord. No. 1077, § 9-1-1, 1-21-85; Ord. 2009 - eff. 01-01-2010)

**State law references:** The Freedom of Information Act; 5 ILCS 140/1 *et seq.*

SECTION FOUR. That any Village Ordinance or Resolution, or part thereof, in conflict with the provisions of this Ordinance, are to the extent of such conflict, expressly repealed.

SECTION FIVE. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be stricken and shall not affect any other provision of this Ordinance.

SECTION SIX. This Ordinance shall be in full force and effect as of January 1, 2010.

SECTION SEVEN. This Ordinance shall be numbered as Ordinance No.  
2908.

PASSED the 21<sup>st</sup> day of December, 2009.

AYES: Peck, Racich, Bonuchi, Fay, Kachel, Lamb

NAYS: None

ABSENT: None

APPROVED this 21<sup>st</sup> day of December, 2009.

MICHAEL P. COLLINS

Michael Collins  
Village President

ATTESTED AND FILED IN MY OFFICE:

MICHELLE GIBAS

Michelle Gibas  
Village Clerk

## **Exhibit "A"**

### **VILLAGE OF PLAINFIELD POLICY GOVERNING ACCESS TO PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT**

#### **1. SUMMARY AND PURPOSE**

This Policy Governing Access to Public Records ("Policy") is established to implement the provisions of the Freedom of Information Act, 5 ILCS 140/1, *et seq.*, as amended (the "FOIA"). Recent amendments to the FOIA will go into effect as of January 1, 2010. The Village of Plainfield (the "Village") supports the FOIA and the policy of providing public access to public records in its possession while also protecting information exempt from disclosure under the FOIA.

#### **2. DEFINITIONS**

The terms used in this Policy shall have the same meaning as set forth in the FOIA.

#### **3. FREEDOM OF INFORMATION OFFICERS**

The Village Clerk, or any individual acting in such official capacity as designated by the Village Clerk, shall be the Chief FOIA Officer for the Village. As Chief FOIA Officer for the Village, the Village Clerk shall be responsible for the performance of those duties required of a FOIA Officer pursuant to the FOIA, including but not limited to maintaining the Village's compliance with all statutory obligations of the FOIA. The Village Clerk shall also be empowered to designate additional FOIA Officers for other divisions or departments within the Village, including but not limited to the Village's Police Department. All FOIA Officers for the Village shall be empowered to consult with the Village's Legal Counsel for the purpose of compliance with issues related to the FOIA. All FOIA Officers shall successfully complete an annual training program, and any other training required pursuant to the FOIA.

In compliance with the FOIA, the Village Clerk, in his/her capacity as Chief FOIA Officer for the Village, shall make and maintain (a) a directory of the Village's FOIA Officer(s); (b) a list of the address(es) where requests for public records should be directed; and (c) a list of the fees, if any, charged by the Village for inspection and photocopying of public documents requested pursuant to the FOIA. This information shall also be available on the Village's website at [www.plainfield-il.org](http://www.plainfield-il.org).

All requests received by the Village for inspection and photocopying of public records shall be immediately forwarded to the Chief FOIA Officer. In compliance with the FOIA, the Village Clerk, in his/her capacity as Chief FOIA

Officer, or any other FOIA Officer so designated by the Chief FOIA Officer, shall upon receipt of a FOIA request (a) note the date the Village received the written request; (b) compute the day on which the period for response to the request will expire and make a notation of that date on the written request; (c) maintain an electronic or paper copy of the request including all documents submitted with the request until the request has been complied with or denied; and (d) 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.

#### **4. PROCEDURES FOR REQUESTING PUBLIC RECORDS**

Any request for public records in accordance with the FOIA and this Policy, shall be submitted to the Chief FOIA Officer, or any other FOIA Officer so designated. All requests for Police Department information shall be submitted to the following address:

Office of the Chief of Police  
Village of Plainfield Law Enforcement Center  
14300 S. Coil Plus Drive  
Plainfield, IL 60544  
815- 436-9681 (fax)

Requests for public records other than Police Department information shall be submitted to the following address:

Office of the Village Clerk  
Village of Plainfield  
24401 W. Lockport Street  
Plainfield, IL 60544  
815-436-1950 (fax)

#### **5. FORM AND CONTENT OF REQUESTS**

Requests for public records made in accordance with the FOIA and this Policy shall be made in writing. Such requests may be submitted, but are not required to be submitted, on a FOIA Request Form maintained by the Village. The Village's FOIA Request Forms shall be available on the Village's website at [www.plainfield-il.org](http://www.plainfield-il.org) and at the Village Hall, 24401 W. Lockport Street, Plainfield, Illinois, and the Plainfield Law Enforcement Center, 14300 S. Coil Plus Drive, Plainfield, Illinois.

Requests for public records made in accordance with the FOIA and this Policy shall include the following information:

1. The requester's full name, address and phone number;

2. A description of the public records sought; and
3. Whether the request is for the inspection of public records, copies of public records, or both.

## **6. RESPONSE TO REQUEST FOR PUBLIC RECORDS**

(a) Timeliness of Response: Except for requests made for a commercial purpose which shall be responded to within twenty-one (21) working days after receipt of the request, the Village shall respond to other written requests for public records within five (5) business days after receipt of the request, unless the time for response to the request is properly extended pursuant to the FOIA. The time for response to such a request for public records may be extended for not more than five (5) business days from the original due date for any of the reasons set forth in Section 3(e) of the FOIA. When additional time is required, the Village shall, within five (5) business days of receipt of the request, notify the requester of the reasons for the extension and date by which the response will be forthcoming. The time for response to any request for public records may also be extended by written agreement of the requester and the Village. Failure to timely respond to a request for public records or properly extend the time for such response shall be considered a denial of the request.

(b) Form of Response: The Village shall respond to requests for public records by (i) approving the request; (ii) approving the request in part and denying the request in part; or (iii) denying the request. Upon approval of a request for public records, the Village shall immediately provide the requested materials, give notice that the materials shall be made available upon payment of applicable reproduction costs if any, or give notice of the time and place for inspection of the records. Denial in whole or part of a request for public records shall be made to the requester in writing and shall set forth the reasons for the denial, including a detailed factual basis for the application of any exemption claimed by the Village, a citation to supporting legal authority, and the name, title or position of each person responsible for the denial. Each notice of denial shall also inform the requester of his/her right to review by the Office of the Attorney General Public Access Counselor, shall provide the address and phone number of the Public Access Counselor, and shall inform the requester of his/her right to judicial review.

If the reason set forth for the denial of the request is that the records are exempt under subsection (1)(c) of (1)(f) of Section 7 of the FOIA, the Village shall, within the time periods provided for responding to a request, provide written notice to the requester and the Attorney General's Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include (i) a copy of the request for access to records; (ii) the proposed response from the Village; and (iii) a detailed summary of the Village's basis for asserting the exemption.

(c) Availability of Records: The production of records or their inspection pursuant to a proper request for public records, shall occur Monday through Friday between 8:30 a.m. to 4:30 p.m. at the Village Hall, 24401 W. Lockport Street, Plainfield, Illinois, or the Plainfield Law Enforcement Center, 14300 S. Coil Plus Drive, Plainfield, Illinois if the records requested are Police records. An employee of the Village shall be present during the inspection of all public records.

(d) Request for Records in Electronic Format: Public records requested in an electronic format shall be produced in the electronic format specified by the requester, if feasible. If not feasible, the Village shall produce the public records in the format in which the records are maintained by the Village, or in a paper format at the option of the requester.

## **7. FEE FOR DUPLICATION AND/OR CERTIFYING OF RECORDS OR COST OF RECORDING MEDIUM**

No fees shall be charged for the first fifty (50) pages of black and white, letter or legal sized copies of timely produced requested records. No fees shall be charged if the Village fails to timely respond to a public record request, but thereafter provides the requester with copies of the requested documents.

Fees for black and white copies in excess of fifty (50) pages, color copies, certification and other documents shall be as follows:

### **Copies (Black & White) per side**

8 ½ x 11	\$0.10
8 ½ x 14	\$0.15
11 x 17	\$0.25

### **Copies (Color) per side**

8 ½ x 11	\$0.25
8 ½ x 14	\$0.30
11 x 17	\$0.35

**Certification per document      \$1.00**

**Plats & Maps larger than 11x17 (Actual cost of outsourced duplication)**

**Accident Report    \$5.00** (Request shall be submitted to the Police Department)

All copying shall be performed by an employee of the Village. Copies of public records shall be provided to the requester upon payment of any charges due for reproduction of the documents.

## **8. PROCEDURE FOR REVIEW OF A DENIAL**

A requester whose request for public records has been denied by the Village may file a request for review with the Attorney General's Public Access Counselor in the manner and time permitted pursuant to the FOIA. The review process and all additional legal action, including but not limited to an administrative review, shall be pursuant to the requirements of the FOIA.

## **9. GENERAL INFORMATION/MATERIALS AVAILABLE**

The Village shall prominently display at each administrative office for inspection and photocopying without charge, and on its website if one is maintained, or send through the mail if requested, the following:

- (a) a brief description of itself which shall include
  - (i) a short summary of the Village's purpose;
  - (ii) a block diagram providing the Village's functional subdivisions;
  - (iii) the total amount of the Village's operating budget;
  - (iv) the number and location of all of its separate offices;
  - (v) the approximate number of full and part-time employees;
  - (vi) the identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operations;
- (b) a brief description of the methods whereby the public may request information and public records;
- (c) a directory identifying the Village's FOIA Officers;
- (d) the address(es) where requests for public records should be directed; and
- (e) the fees permitted under the FOIA and this Policy.