

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

RESOLUTION NO. 99-8

A RESOLUTION ADOPTING
PROCEDURES PURSUANT TO THE
ILLINOIS FREEDOM OF INFORMATION ACT

PASSED BY THE BOARD OF TRUSTEES AND
APPROVED BY THE PRESIDENT
OF THE
VILLAGE OF TOLONO, ILLINOIS
This 17 Day of August 1999

Published in pamphlet form by authority of the Village Board of Trustees of the Village of
TOLONO, Champaign County, Illinois, this ... day of ... 1999.

**VILLAGE OF TOLONO
A RESOLUTION
ADOPTING PROCEDURES PURSUANT TO THE
ILLINOIS FREEDOM OF INFORMATION ACT**

WHEREAS:

1. The State of Illinois has enacted the Freedom of Information Act which requires certain procedures be followed; and
2. The Village of Tolono wishes to comply fully with the Freedom of Information Act.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TOLONO, ILLINOIS, as follows:

Section 1. That procedures which are attached hereto and by reference are made a part hereof are hereby adopted as the Village of Tolono's Freedom of Information Act Procedures.

Section 2. That the cost of reproducing standard size paper documents shall be Twenty-five Cents (\$.25) per page.

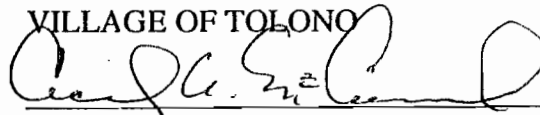
Section 3. That the cost of reproducing blueprints, plans, recording tapes, other non-standard documents, and the cost of Code books and pamphlets shall be the actual cost to the Village.

Section 4. That the Village Clerk is hereby empowered to adjust the reproduction costs set forth herein to accurately reflect the actual cost to the Village.

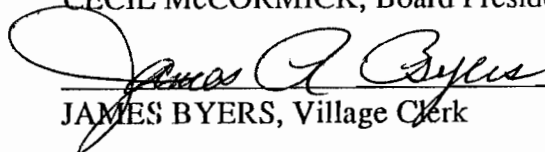
Section 5. This resolution shall be published in pamphlet form with a copy to be posted in the municipal building for at least 10 days with copies available for public inspection upon request in the office of the municipal clerk.

Duly adopted this ¹⁷th day of August, 1999

VILLAGE OF TOLONO



CECIL McCORMICK, Board President



JAMES BYERS, Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF CHAMPAIGN)

CERTIFICATE

I, James Byers, certify that I am duly appointed and acting municipal clerk of the Village of Tolono, Champaign County, Illinois.

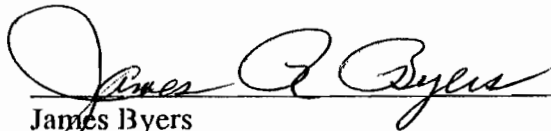
I further certify that on this 17th day of Aug. ¹⁹⁹⁹, the Corporate Authorities of such municipality passed and approved Resolution No. 99-8 entitled:

**A RESOLUTION
ADOPTING PROCEDURES PURSUANT TO THE
ILLINOIS FREEDOM OF INFORMATION ACT.**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Resolution No. 99-8, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on this 17 day of August, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Tolono, Illinois this 17 day of August, 1999.


James Byers
Village Clerk
Village of Tolono, Illinois

VILLAGE OF TOLONO

ILLINOIS FREEDOM OF INFORMATION ACT PROCEDURES

PURPOSE

The purpose of these procedures is to assure that public records prepared or received by the Village of Tolono are made available to the Public in compliance with the Illinois Freedom of Information Act (ILCS 140 et seq).

RESPONSIBLE OFFICE

The Village Clerk's Office is responsible for administering these procedures as adopted, and as amended from time to time. All questions regarding these procedures or the Illinois Freedom of Information Act should be directed to the Village Clerk's Office, P.O. Box 667; Tolono, IL 61880. The Village Clerk's Office will process requests during regular business hours.

PROCEDURES

The procedural manual which is distributed to each department and division is organized as follows:

1. Procedures for Handling Verbal Requests.

Village offices receive many verbal requests from citizens to either inspect documents or to receive copies of documents.

Village offices should continue to comply with verbal requests for inspection of documents unless the requests involve large numbers of documents, require a period of time to comply with the request, or require a written request to accurately comply with the request, or the Department or Division otherwise determines it is necessary to have a written request for inspection. If a written request is deemed necessary, the procedure set out in Section 2 below will be followed.

If a verbal request for inspection is complied with, it must be compiled with in the time period set out in Section 2 below. additionally, the verbal request must be entered in a log, a copy of which is attached. A copy of the log will be retained by the clerk for two years.

Requests will be reviewed by the Village Clerk or his/her designee.

2. Procedures for Handling Written Requests.

Except as provided below, all written requests for inspection of or copies of documents must be made in the Village Clerk's Office. Forms upon which requests can be made are available at the front desk in the Village Clerk's Office.

All written requests for inspection and copies of documents and verbal requests for inspection must be complied with within seven business days of the receipt of the request by the Village.

3. Delay.

If a request cannot be filled within seven business days of the receipt of the request by the Village. The Village must then notify the requesting party that an additional seven business days is required to comply with the request. This notification to the requesting party must be done within the original seven business day period.

The Village Clerk shall give the reason for the extension. If a request is not complied with at the end of either seven business day periods, it shall be considered a denial of the request.

4. Denial.

There will be occasions when a request must be denied. The Village Clerk shall inform the requesting party of the denial in writing, within seven business days of the Village's receipt of the request, stating the reason (s) for the denial and shall also inform the requesting party of the right to appeal the matter.

5. Traffic Accident Reports and Confirmation of Filing of Reports.

Written requests for traffic accident reports and letters of confirmation of filing of police reports may be taken by the Policy Department rather than referring the requesting party to the Village Clerk. The Police Chief or his/her designee or the Village Clerk shall issue the appropriate letter of denial if one is to be issued. The written request and a copy of the letter of denial, if any, shall be sent to the Clerk's Office. Compliance shall be within the time periods set out in the Act and herein.

6. Partially Exempt Material.

If documents contain both disclosable and exempt material and the exempt material is segregable, the non-exempt portion of the material must be disclosed. This is true whether the document is for inspection only or is to be copied. Further, the requesting party must be given the reason for not disclosing the exempt material. The attached denial of request form should be used in the case of a partial denial of a request as well as where the entire request is denied.

7. Appeal Procedure

The denial letter shall inform the requestor that he or she has the right to appeal the denial of the request to the Village Board of Trustees President or his/her designee, and a right to judicial review upon a denial of the appeal. The appeal shall be in writing to the Village Board of Trustees President or his/her designee and shall be delivered to the Village Clerk. The notice of appeal shall be immediately forwarded to the Village Board of Trustees President or his/her designee which shall promptly review the record and act upon the appeal within seven business days of the date of the receipt of the notice by the Village Clerk. A failure to act within seven business days shall be deemed a denial of the appeal.

8. Notices

A notice will be posted on the front door of the Village Offices in compliance with the Act and copies will be available in the Village Clerk's Office.

9. Costs

The Village-wide charge for document copies shall be \$.25 per page or the actual cost of reproduction for plans, code books and the like. The \$.25 per page price includes the cost of copy machine rental, paper, toner and secretarial time in copying the document.

10. Index of Requests

The Village Clerk shall keep a single central file of notices of denial of requests indexed according to the type of exemption asserted. The index shall, to the extent feasible, index the denials according to the types of records requested. This index shall be open to the public.

ITEMS EXEMPT FROM BEING INSPECTED OR COPIED BY THE PUBLIC (Note: these items may be revised from time to time, keep current)

5 ILCS 140/7. Exemptions

§ 7. Exemptions.

(1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.¹ Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determine the qualifications of an applicant for a license or employment.

(k) Architects' plans and engineers' technical submissions for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act² until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.³

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative pro-

reeling upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure,⁴ records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.⁵

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act.⁶

(dd) Information the disclosure of which is exempted under Section 7 of the Radon Mitigation Act.⁷

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.⁸

VILLAGE OF TOLONO

FREEDOM OF INFORMATION ACT REQUEST

Form 1

TO BE FILLED IN BY REQUESTOR:

DATE: _____ NAME _____

ADDRESS: _____

TELEPHONE NUMBER (Between 8:00 a./m. & 5:00 p.m.): _____

Approximate date of Document _____

Department _____

Category _____

Other Information/Remarks: _____

Request to (Check One) _____

A. Inspect Only [] _____

B. Inspect and Receive Copies [] _____

C. Receive Copies Only [] _____

D. Inspect and Receive Certified Copies [] _____

E. Receive Certified Copies Only [] _____

Signature

VILLAGE OF TOLONO

Form 2

RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST

TO: _____ DATE: _____
(Requestor's Name)

(Address)

(City, State, Zip)

(Telephone Number)

FROM: _____
(Name) (Job Title)

Concerning your request for information dated _____.

_____ 1. No such document (s) have been located.

_____ 2. An extension of time until _____ is needed because:

- _____ a. the records are stored in another place.
- _____ b. many records are being requested.
- _____ c. an extended search is being conducted.
- _____ d. the records are being examined to determine if any information is exempt.
- _____ e. we need additional time to respond due to the operating needs of the Department.

_____ 3. Your request appears to be for so many records that it would be unduly burdensome for us to comply. Please contact us to see if the request can be clarified and be reduced to a manageable level.

_____ 4. Your request is being denied because you have previously received this information from us.

You have the right to appeal to the Village Board. Please contact the Clerk for information on how to do so.

VILLAGE OF TOLONO

Village Clerk

VILLAGE OF TOLONO

Form 3

REQUEST FOR WAIVER OF FEE OR REDUCED CHARGE

Pursuant to the Illinois Freedom of Information Act, the undersigned hereby certifies:

1. That the undersigned desires to inspect and copy the following described documents:

2. That the undersigned seeks to receive these documents without fee or at a reduced charge.

3. That the purpose for this document request is as follows:

4. That waiver or reduction of the duplication fee is in the public interest, specifically*:

Date: _____

(Name)

(Address)

(City, State, Zip)

*NOTE: A fee waiver/reduction will be granted only if it appears that the principle 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 principle purpose of personal or commercial benefit.

FOR OFFICE USE ONLY:

Date _____

Village Clerk

Approved

Denied

VILLAGE OF TOLONO

Form 5

DENIAL OF FREEDOM OF INFORMATION ACT REQUEST

(Departments other than Police)

TO:

(Requestor's Name)

(Address)

(Telephone Number)

FROM:

(Name)

(Job Title)

Your request of _____ for _____

(describe document requested)

is denied _____ in full / _____ in part:

- ___ A. It is information revealing the identity of persons who file complaints with or provide information to administrative, investigative or law enforcement agencies of the Village.
- ___ B. Architects' plans and engineers' technical submission for projects not constructed or developed in whole or part with public funds or for projects constructed or developed with public funds, to the extent that disclosure would compromise security.
- ___ C. Other: _____

(Detail Reason)

You have the right to appeal the denial to the Village board. Please contact the clerk for information on how to do so.

(Village Clerk)

VILLAGE OF TOLONO

Form 4

DENIAL OF FREEDOM OF INFORMATION ACT REQUEST (Police Department)

TO: _____ DATE: _____
(Requestor's Name)

(Address) (City, State, Zip) (Telephone)

FROM: _____
(Name) (Job Title)

Your request of _____ for _____
(date) (describe document)
_____ is denied in full _____;
in part _____;

- _____ A. It is information which would constitute a clearly unwarranted invasion of personal privacy and for which no consent in writing by the individual involved has been received.
- _____ B. It is information revealing the identity of persons who file complaints with or provide information to administrative, investigative or law enforcement divisions of the Village.
- _____ C. It is a record compiled for administrative enforcement proceedings or for law enforcement purposes or for internal matters of a public body, and disclosure would:
 - ___1) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
 - ___2) interfere with pending administrative enforcement proceedings conducted by any public body;
 - ___3) unavoidable disclose the identity of a confidential source or confidential information furnished only by the confidential source;
 - ___4) endanger the life or physical safety of law enforcement personnel or any other person; or
 - ___5) obstruct an ongoing criminal investigation.
- _____ D. It is criminal history record information maintained by State or local criminal justice agencies not otherwise publicly available.
- _____ E. Other.

You have the right to appeal this denial to the Village Board. Please contact the clerk for information on how to do so.

(Chief of Police)

TO: BOARD OF TRUSTEES
VILLAGE OF TOLONO
P.O. Box 667
TOLONO, IL 61880

FROM: _____
(Name)

(Address)

(City, State, Zip)

(Telephone Number)

NOTICE OF APPEAL TO HEAD OF PUBLIC BODY
FROM DENIAL OF ACCESS TO PUBLIC RECORDS

I hereby appeal, pursuant to the provisions of the Illinois Freedom of Information Act, to the Board of Trustees of the Village of Tolono from denial to me, in whole or in part, of access to public records.

I made a written request for the following records: (Be Specific)

My request was denied _____ in whole, or _____ in part (check one) on _____,
(Date)
by _____,
(Name) (Title)

Copies of my written request and the notice of denial and the reasons therefore are attached.

My appeal should be granted because: _____

(Date)

Appellant's Signature