

Ordinance-10-02

An Ordinance setting forth the Provisions for Compliance with the
Illinois Freedom of Information Act

Whereas, the Freedom of information Act is intended to provide the public with greater access to the records of public bodies; and

Whereas, it is necessary for the City of Eureka 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 City.

Be it Ordained by the Mayor and the City Council of the City of Eureka, Woodford County, as follows:

Section 1: The City Clerk is hereby designated as the FOIA Officer to whom all initial requests for access to the records of the City are to be referred. Such requests are to be made at the offices of the City Clerk at 128 N. Main, Eureka Illinois, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday. In the event that the City Clerk is not available during the times described above, the Deputy City Clerk 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 designees, shall receive request submitted to the City under the Freedom of Information Act, ensure that the City responds to 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 City shall immediately disclose upon request.

Section 2: Upon receiving a request for a public record, the FOIA Officer shall:

- (1) note the date the City 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 the 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 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 Officer is designated by the City, 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 City 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 City.

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 City 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 City 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 City Clerk shall prepare: (a) a City information directory; (b) a block diagram of the functional subdivisions of the City; (c) a City records directory; and (d) a records catalogue. This information shall be posted on the City website. (Ord. 10-02)

Full Force and Effect: This Ordinance shall be in full force and effect immediately upon its passage and approval as required by law.

ADOPTED, by the City Council of the City of Eureka, Woodford County Illinois, this _____ day of _____ 2010.

Aye: _____

Nays: _____

Hinnen ___ Waters ___ Prather ___ Zeltwanger ___

Sancken ___ Meares ___ Hinthorne ___ Kupfer ___

APPROVED this _____ day of _____, 2010 A.D.

Scott Punke, Mayor
Clerk

Marilyn Walter, City

SEAL: