

ORDINANCE NO. 4287

**AN ORDINANCE APPROVING AND AUTHORIZING REVISED RULES,
REGULATIONS AND PROCEDURES
FOR THE REQUEST OF PUBLIC RECORDS UNDER THE
ILLINOIS FREEDOM OF INFORMATION ACT**

WHEREAS, Public Act 96-0542, which became effective on January 1, 2010, amends the Open Meetings Act (5 ILCS 120/1 et seq.), the Freedom of Information Act (as amended, the "FOIA" 5 ILCS 140/1 et seq.) and the Attorney General Act (15 ILCS 140/0.01 et seq.) to make changes concerning the codification of the Public Access Counselor (PAC) and changes to the FOIA; and

WHEREAS, the City of Collinsville, Illinois, is a public body as defined by the Freedom of Information Act; and

WHEREAS, the Illinois Freedom of Information Act provides that public bodies may promulgate rules and regulations pertaining to the availability of public records and the procedure for obtaining them.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Collinsville, Illinois, as follows:

Section 1. Title 2 (Administration and Personnel) of the Collinsville Municipal Code is hereby amended by repealing Chapter 2.110 entitled "Freedom of Information," and replacing it with the following to be read in it's entirety as follows:

"Chapter 2.110"

Freedom of Information

Sections:

2.110.010	Written Requests
2.110.020	FOIA Officer
2.110.030	Police Department
2.110.040	Methods of Request
2.110.050	Delivery of Requests
2.110.060	Responses
2.110.070	Availability
2.110.080	Certification
2.110.090	Denials
2.110.100	Review of Denials
2.110.110	Fees

Section 2.110.010 Written Requests

Any person may request copies of or the inspection of public records of the City of Collinsville, Illinois pursuant to the Illinois Freedom of Information Act (hereinafter "FOIA") by submitting a written request using the Request for Public Records form as provided by the City or by using whatever written form the requester chooses, to the City's appointed FOIA Officer, at Collinsville City Hall, during normal business hours on Monday through Friday from 8:30 a.m. to 5:00 p.m., or at the Collinsville Police Department for records relating to the Collinsville Police Department, during normal administrative business hours on Monday through Friday from 8:30 a.m. to 5:00 p.m.

Section 2.110.020 FOIA Officer

Except those FOIA requests directed to the Police Department as provided for in Section 2.110.030, the City Clerk is hereby appointed the FOIA Officer of the City. In the event there is no person in the position of City Clerk, then the City Manager shall be the FOIA Officer until a City Clerk is appointed. For all FOIA requests to the Collinsville Police Department, a Lieutenant in the Police Department as assigned by the Police Chief shall be the FOIA Officer. In the event there is no person in the position of Lieutenant, then the Chief of Police shall be the FOIA Officer until a Lieutenant is named.

Section 2.110.030 Police Department

A request for public records relating to the Collinsville Police Department shall be submitted directly to and will be administered by the Collinsville Police Department. Requests for the copying or inspection of Police Department public records may be delivered in person, by U.S. Mail, or by facsimile transmission.

Section 2.110.040 Methods of Requests

The following are the methods by which a person may submit a request for copies or the inspection of public records.

- A. **Formal Requests.** All requests for copies or the inspection of public records under the FOIA shall be submitted in writing and may utilize the Request for Public Records form that is available at City Hall, the Collinsville Police Department, or on the City's website at www.collinsvilleil.org, or as amended in the future, under the City Forms link. The City will accept any legible written request, provided that such written request is clearly and concisely stated, and all written requests shall include the following:

1. Requester's name, address, and telephone number;
2. The specific public records requested;
3. Whether the request is for copies or the inspection of public records;
4. Whether the request is intended for commercial purposes; and

5. Whether the requester wants to pick up the FOIA Officer's response at City Hall or the Police Department, or have it mailed to the requester.

To ensure that each FOIA request is acted upon in a complete and timely fashion, the requester should ensure that the public record being sought is clearly identified in the request. Requesters should provide as much known information about the requested record as possible. The City is not obligated to respond to requests that are overly broad or that would place an undue burden upon its operations, nor is the City obligated to interpret or advise requesters as to the meaning or significance of public records that may be provided. The City will not create a record to fulfill a request.

If the request is being made for a commercial purpose, the requester must disclose that fact to the City at the time the request is made. It is a violation of the FOIA to knowingly obtain a public record for a commercial purpose without such disclosure.

- B. Informal Requests.** Informal requests shall be identified as all requests for the copying or inspection of public records, including verbal requests, that do not comply with the provisions of this Ordinance. All informal requests shall not be considered subject to the application of the FOIA or the other provisions of this Ordinance.

Section 2.110.050 Delivery of Requests

- A. In Person.** Requests for the copying or inspection of public records may be delivered in person to the FOIA Officer at Collinsville City Hall, 125 South Center Street, Collinsville, Illinois or to the FOIA Officer at the Collinsville Police Department, 200 West Clay Street, Collinsville, Illinois. The first working day after a written request is received shall be the commencement day of the City's response time as required by the FOIA.
- B. U.S. Mail.** Requests for the copying or inspection of public records may be delivered by U.S. Mail, so long as the request is made in accordance with the provisions of this Ordinance, to Collinsville City Hall, 125 South Center Street, Collinsville, Illinois, 62234; or for Police Department records, to the Collinsville Police Department, 200 West Clay, Collinsville, Illinois, 62234. The first working day after a written request is received by U.S. Mail shall be the commencement day of the City's response time as required by the FOIA.
- C. Facsimile.** So long as legible to the City, written requests for the copying or inspection of public records may be delivered by facsimile transmission to Collinsville City Hall at 618/343-3688, said number being subject to change without notice with valid number being posted on City website or available by calling City Hall; or for Police Department records, to the Collinsville Police Department at 618/344-2137, said number being subject to change without notice with valid number being posted on City website or available by calling the Police

Department. Non-legible requests shall result in the notification of same by the City to the requesting party and the City's response time shall not be deemed to commence until a legible request is received. The first working day after a legible written request is received shall be the commencement day of the City's response time as required by the FOIA.

- D. Electronic Mail.** Except for records being requested from the Collinsville Police Department, written requests for the copying or inspection of public records shall be accepted by electronic mail at foi@collinsvilleil.org. The first working day after a written request is received by electronic mail shall be the commencement day of the City's response time as required by the FOIA.

The City is only responsible for responding to requests that it actually receives and is not responsible for transmission or delivery errors for FOIA requests that are submitted through the means detailed in the above paragraphs. Any requests received by the City after normal business hours shall be considered received on the following business day.

Section 2.110.060 Responses

A written response to all written requests received will be sent to the requester by way of U.S. First Class Mail, or by facsimile transmission, or by electronic mail transmission with a notification that the request has been granted or denied, in whole or in part, and the amount of fees due prior to delivery of the public records. Said written response shall be within five (5) working days after receipt of the request, with the exception of requests for arrests reports or criminal history information or requests for commercial purposes, as required by the FOIA, unless additional time is required and notification of same is sent to the requester within the five working day time frame. The amount of additional time required cannot exceed five additional working days per the FOIA.

A written response to all written requests received for arrest reports or criminal history information will be sent to the requester by way of U.S. First Class Mail, or by facsimile transmission, or by electronic mail transmission with a notification that the request has been granted or denied, in whole or in part, and the amount of fees due prior to delivery of the public records within 72 hours after receipt of the request.

A written response to all written requests received for commercial purposes will be sent to the requester by way of U.S. First Class Mail, or by facsimile transmission, or by electronic mail transmission with a notification that the request has been granted or denied, in whole or in part, and the amount of fees due prior to delivery of the public records within twenty-one (21) days after receipt of the request.

Section 2.110.070 Availability

Upon the granting of a request for the copying or inspection of public records, said records shall be made available to the requester, subject to the prior payment of related fees, within five

working days, or within seventy-two hours for requests pertaining to arrest records or criminal history records. If any public record exempt from disclosure contains material which is not exempt, the City shall redact the exempt information and make the remaining information available for inspection and copying. Inspection of public records shall be by an appointment with the FOIA Officer at a time and day between 8:30 a.m. and 4:00 p.m., Monday through Friday. The City may require that an officer or employee of the City be present during any inspection of public records. A requester may also be prohibited from bringing bags, brief cases or other containers, cameras, cell phones with cameras, or any other means of duplicating records into the room in which the inspection takes place.

Public records may be requested in the following formats:

- A. **Paper Copies.** Unless otherwise requested at the time of submission of the FOIA request, public records for copying and inspection will be disclosed as copies in black text on white paper format. The requester may request color copies by marking same on the Request for Public Records form, or by requesting same on whatever form the requester uses to request records.
- B. **Electronic.** The requester may request records in electronic format on CD Rom by marking same on the Request for Public Records form, or by requesting same on whatever form the requester uses to request records. The City will provide records in electronic format if the records requested are available, but will not create a record in order to provide it in electronic format. If records are available in electronic format, the requester may request said records be delivered by way of electronic mail by marking same on the Request for Public Records form, or by requesting same on whatever form the requester uses to request records.

Section 2.110.080 Certification

Upon request by marking same on the Request for Public Records form, or by requesting same on whatever form the requester uses to request records, the City's FOIA Officer, or anyone authorized by him/her, shall certify that the public records made available in response to a request are to the best of his/her knowledge, true and accurate copies of the disclosed public records that are in the City's possession.

Section 2.110.090 Denials

Any denial of any part of a request shall be made in writing to the requester and shall state the reason(s) for the denial in accordance with the FOIA, or if the record is determined to be exempt, pursuant to the FOIA. All denials shall include the name and title of the individual responsible for the denial of the request, and a notice of the requester's statutory right to petition the office of the Public Access Counselor in the office of the Illinois Attorney General for review of the denial, as well as the right to judicial review under the Act.

Section 2.110.100 Review of Denials

Review of a request denial by the City’s FOIA Officer may be made to the Public Access Counselor in the office of the Illinois Attorney General per the FOIA, as well as judicial review under the FOIA.

Section 2.110.110 Fees

Pursuant to the FOIA, the fees for copying and delivery of public records, as indicated in this Section, have been previously reduced as if all requests are in the public interest. Fees for the copying and delivery of any requested public records shall be as follows:

A. Records

Paper copy – black & white, letter or legal size – first 50 pages	Free
Paper copy – each page after first 50 pages – black & white letter or legal size	\$0.10
Paper copy – each page – color, letter or legal size	\$0.25
Paper copy - each page, 11 x 17, black/white	\$0.25
Paper copy - each page, 11 x 17, color	\$0.50
Paper copy - each page, larger than 11 x 17, black/white	\$0.75
Paper copy - each page, larger than 11 x 17, color	\$1.00
Contracted printings – <i>if available</i>	Actual cost to City
Videotapes – <i>if available</i>	Actual cost to City
Audiotapes – <i>if available</i>	Actual cost to City
Postage – <i>if necessary</i>	Actual cost to City
CD’s – <i>if appropriate</i>	Actual cost to City
DVD’s – <i>if appropriate</i>	Actual cost to City
Any other public record-	Actual cost to City but not less than \$0.10

B. Payment of Fees

All fees for copying and delivery costs of public records shall be paid prior to the requesting party’s receipt of the public records from the FOIA Officer.”

Section 2. Repeal. City Ordinance 4159 passed November 24, 2008, is hereby repealed.

Section 3. Severance. If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not effect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

Section 4: By passage of this ordinance, all past acts of the City Clerk, the Assistant Chief of Police – Administration, and the Lieutenant assigned pertaining to records requested under the Freedom of Information Act are hereby ratified and affirmed.

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED by the Council and Approved by the Mayor on January 11, 2010.

Ayes: Ciampoli, Moss, Kypta, Miller

Nays: None

Absent: Dalton

Approved: January 11, 2010.



John Miller, Mayor

ATTEST:



Cheryl Brombolich, City Clerk