

**ORDINANCE SETTING 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 Imperial Valley Water Authority, hereinafter "Water Authority," 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 Water Authority.

WHEREAS, the changes to the Freedom of Information Act, hereinafter "FOIA," and the mandates contained within those changes are an unfunded mandate of the State of Illinois that impose the potential for substantial financial burden upon the Water Authority.

NOW THEREFORE, BE IT ORDAINED by the Trustees of the Imperial Valley Water Authority, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Denise L. Chrestenson is hereby designated as the Freedom of Information Act, hereinafter "FOIA," Officer to whom all initial requests for access to the records are to be referred. Such requests are to be made at 113 S. Main St., P.O. Box 139, Mackinaw, Illinois, 61755 between the hours of 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 5:00 P.M. Monday through Friday. Except in instances when records are furnished immediately, the FOIA Officer, or designees, shall receive requests submitted under the FOIA, ensure that a response to requests in a timely fashion, and issue responses under the FOIA. The FOIA Officer shall develop a list of documents or categories of records that shall be immediately disclosed upon request.

SECTION 3: The FOIA Officer's term of appointment shall commence upon adoption of this Ordinance and shall end at the end of the current fiscal year of Water Authority. Each fiscal year thereafter, the Water Authority Trustees shall appoint a FOIA Officer. Appointment shall be made by a Resolution duly adopted and recorded in the minutes of the Water Authority. All FOIA Officers that are appointed shall be subject to the terms and conditions of this Ordinance on a continuing basis unless this Ordinance is repealed or modified.

SECTION 4: Upon receiving a request for a public record, the FOIA Officer shall:

- (1) note the date the written request was received;
- (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 5: The FOIA Officer shall, by June 30, 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 FOIA Officer is designated that person shall successfully complete the electronic training curriculum within 30 days after assuming the position.

SECTION 6: Any records which are the subject of a request under the FOIA shall be retrieved from such place as they are stored, by the FOIA Officer, or by an agent of the Water Authority 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 an agent of the Water Authority.

SECTION 7: 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 FOIA. The FOIA Officer shall maintain a written schedule of current fees at 113 S. Main St., Mackinaw, Illinois. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

SECTION 8: In the event that a request to inspect Water Authority records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the State of Illinois.

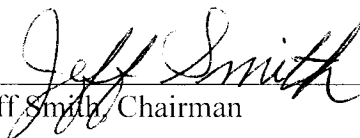
SECTION 9: The FOIA Officer shall prepare: (a) a Water Authority Information Directory; (b) a block diagram of the functional Subdivisions of the Water Authority; (c) a Water Authority Records Directory; and (d) a Records Catalogue, all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Exhibits "A", "B", "C", and "D". This information shall also be posted on the Water Authority's website.

SECTION 10: Despite the fact that the above named individual IS listed as officer, the person shall not be considered officer of the Water Authority, but shall instead be considered solely and exclusively an independent contractor of the Water Authority, serving in an at-will relationship. Any and all rights, responsibilities, duties, and privileges associated with being an officer of the Water Authority shall not and are not bestowed upon the above named individual .

SECTION 11: THIS ORDINANCE shall be in full force and effect immediately upon its passage and approval as required by law.

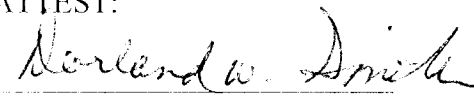
PASSED in due form on a roll call vote by the Trustees of the Imperial Valley Water Authority at a duly held meeting on the 10th day of February, 2010.

APPROVED:



Jeff Smith, Chairman

ATTEST:



Dorland Smith, Secretary

AYES: 4

NAYS: 0

ABSENT: 0

ATTACHED EXHIBITS

EXHIBIT A. - MUNICIPAL INFORMATION DIRECTORY

EXHIBIT B. - SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS

EXHIBIT C. - MUNICIPAL RECORDS DIRECTORY

EXHIBIT D. - CATALOGING AND INDEXING OF PUBLIC RECORDS

EXHIBIT A.

MUNICIPAL INFORMATION DIRECTORY

Village of Freedom - a hypothetical community

The Village of Freedom 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 and water service.
- D. Garbage collection service.
- E. Municipal airport.
- F. Municipal golf course.
- G. (Etc.)

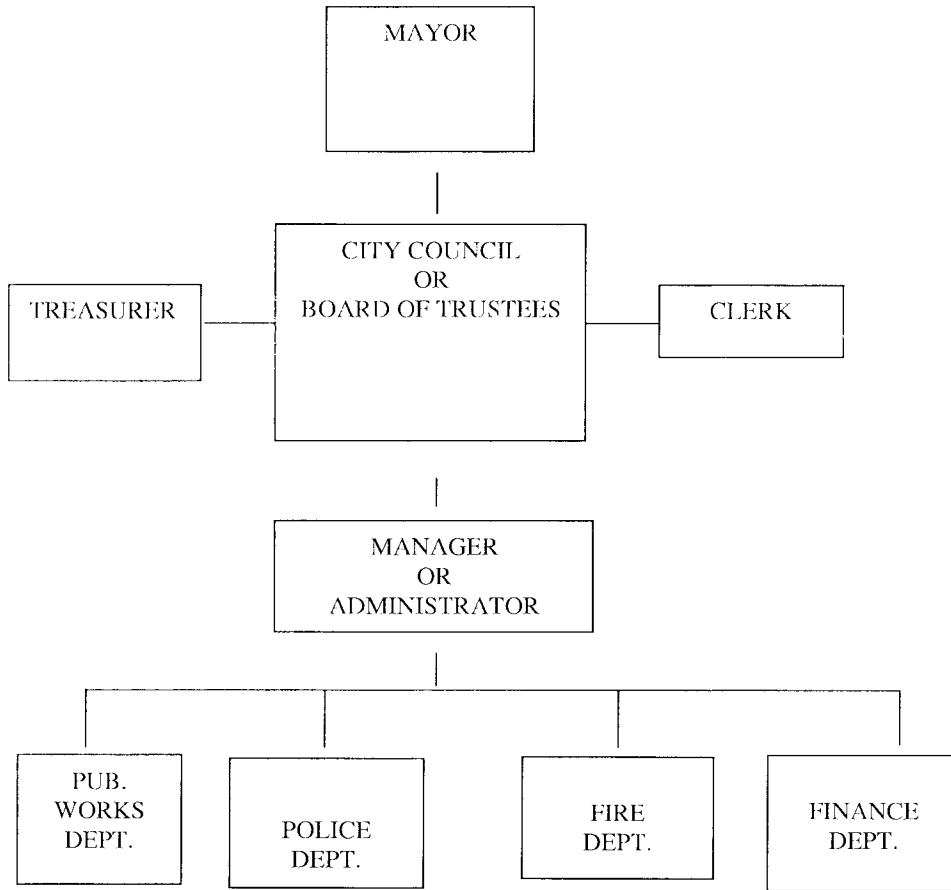
The Village of Freedom has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of Freedom is \$3,291,600.00. The Village's sole office is located at 111 Information Drive in Freedom, and the Village also has a pumping station for its water distribution system located at 311 Information Drive. The Village currently employs approximately 33 full and part-time employees. The members of the boards, commissions and committees of the Village of Freedom are as follows:

Board - Commission - Committee -	Member	Title
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(You should then list such members of each of the various boards, etc., including such boards as the city council or village board, plan commission, zoning board of appeals, police pension board, board of fire and police commissioners, etc.)

EXHIBIT B.

SAMPLE BLOCK DIAGRAM OF FUNCTIONAL SUBDIVISIONS



The Freedom of Information Officers for the Village are:

Name:

Contact Location:

EXHIBIT C.

MUNICIPAL RECORDS DIRECTORY

Village of Freedom - a hypothetical community

Any person requesting records of the Village of Freedom may make such a request either in person, orally or in writing at the Village Clerk's office located at 111 Information Drive. Such request should be made to Mrs. Betsy Ross, FOIA Officer at such address and if she is not present in person, you should see Mrs. Jane Thompson, Deputy FOIA Officer. Another method would be by mailing, faxing or emailing a written request to either Mrs. Ross or Mrs. Thompson 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. 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 be copied, are as follows:

First 50 pages, black and white, letter or legal size copies, 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 D.

CATALOGING AND INDEXING OF PUBLIC RECORDS

The Act requires that public bodies must list (catalog) all types or categories of records under their control which are prepared or received after July 1, 1984. There is some question, and perhaps it can only be resolved by litigation, whether the municipality must catalogue exempt records. The Act indicates that the purpose of the catalogued list is to aid individuals to "gain access" to public records under the Act, and since certain records are exempt from public access, the most reasonable interpretation of the Act would be that you do not have to catalogue or list exempt records. However, you may wish to maintain a separate catalogue or listing of exempt records until such time as the Attorney General or the courts clarify the extent of cataloguing required.

Please note that the Act requires the list to be by "type" or "category" of records and not listing every individual record. Suggested below are different types of categories that a public body might wish to establish to cover the records that it has under its control and which are subject to inspection under the Act. This list is by no means meant to be exhaustive and is merely for reference or descriptive purposes. Obviously, the number of types or categories will vary from municipality to municipality (e.g., some municipalities have fire departments, some do not, etc).

The "type" of records is meant to be a broad general category and the category is a sub-part of the type. For example, one type of record is a financial record. Under "financial records" may be the following categories: (a) budget; (b) appropriation ordinance; (c) audit; (d) bills; (e) receipts for revenue; (f) vouchers; (g) cancelled checks; (h) water bills; (i) sewer bills; (j) receipts for fines; (k) sales tax receipts; (l) real estate tax receipts; (m) liquor license fees; (n) other license fees; (o) building permit fees; (p) salary schedules; (q) utility bills (e.g., telephone, gas and electric); (r) etc. This gives you examples of categories that could be listed under the general type "financial record". Other general types could include, for example, the following: (1) building inspection reports; (2) administrative memoranda; (3) building permits; (4) board minutes; (5) board resolutions; (6) board ordinances; (7) correspondence received by municipality; (8) correspondence from municipality; (9) bidding specifications; (10) board policies; (11) administrative rules and regulations; (12) personnel code; (13) village maps; (14) comprehensive plan; (15) zoning ordinance; (16) building ordinance; (17) personnel files; (18) office equipment; (19) insurance; (20) capital equipment; (21) real estate; (22) legal notices; (23) newspaper articles; (24) consulting contracts; (25) contracts for capital equipment; (26) contracts for office supplies; (27) contracts for maintenance and repair; (28) professional consultant contracts; (29) pension fund records; (30) hospitalization records; (31) worker's compensation records; (32) training records; (33) official bonds; (34) municipal stickers; (35) village vehicles; (36) animal control records; (37) village liens; (38) police department records; (39) fire department records; (40) etc. Again, the above list is not meant to be exhaustive. While you certainly need not catalogue your records to the same degree as you list expenses in your annual appropriation ordinance or your annual budget, such may be used as a convenient starting point for determining what categories and types of records you may wish to list. Of course, you also should rely on your past experience by reviewing the records you currently have on hand and dividing them into what will appear to you to be meaningful categories. Remember, there is a great deal of latitude in determining what the categories or types of records will be and consequently what the list would contain, but keep in mind the statutory mandate being that the list must be "reasonably current" and must be "reasonably detailed" in order to assist the individual in obtaining access to public records.