

VILLAGE OF MULBERRY GROVE, ILLINOIS

ORDINANCE NO. 662

**AN ORDINANCE TO ADOPT A FREEDOM OF INFORMATION ACT
POLICY IN ACCORDANCE WITH THE ILLINOIS FREEDOM
OF INFORMATION ACT (5 ILCS 140/1 *et seq.*)**

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF MULBERRY GROVE, ILLINOIS
THIS 7TH DAY OF FEBRUARY, 2022.

Published in pamphlet form by the authority of the Board of Trustees of the
Village of Mulberry Grove, Bond/Fayette County, Illinois, this 7th day of February 2022.

Prepared by:

Jeffrey A. Mollet
Nicole E. Mollet
silver lake group, ltd.
560 Suppiger Way
Post Office Box 188
Highland, Illinois 62249
Telephone 618.654.8341

STATE OF ILLINOIS
COUNTY OF BOND
VILLAGE OF MULBERRY GROVE

ORDINANCE NO. 662

**AN ORDINANCE TO ADOPT A FREEDOM OF INFORMATION ACT
POLICY IN ACCORDANCE WITH THE ILLINOIS FREEDOM
OF INFORMATION ACT (5 ILCS 140/1 *et seq.*)**

WHEREAS, the State of Illinois has adopted the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*) providing in general for open access to governmental records for all municipalities in Illinois; and

WHEREAS, the Village of Mulberry Grove, Bond/Fayette County, Illinois ("Village") desires to ensure proper and open access to the records of the Village in accordance with the Illinois Freedom of Information Act; and

WHEREAS, the Village desires to adopt a Freedom of Information Policy to clarify the duties and obligations related the proper and open access to the records of the Village to avoid confusion as to the requirement and requests.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MULBERRY GROVE, BOND/FAYETTE COUNTY, ILLINOIS, THAT:

SECTION 1: Incorporation of Recitals. The Recitals are set forth hereinabove shall be and hereby are incorporated into this Ordinance and shall constitute findings of fact.

SECTION 2: Adoption of Policy. The Freedom of Information Policy attached hereto is adopted as and for the Freedom of Information Policy of the Village pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*).

SECTION 3: Availability. The Freedom of Information Policy attached hereto shall be posted at the Village Hall and shall be made available at no cost to those who seek a copy of such Freedom of Information Policy.

SECTION 4: Effective Date. This Ordinance shall take effect and be in full force and effect ten (10) days after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND ADOPTED by the Board of Trustees of the Village of Mulberry Grove, Bond County, State of Illinois, on this 7th day of February, 2022, upon yea and nay vote as follows:

	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>
Jim Blankenship	✓		
Mike Burlingame	✓		
Charles Hall			✓
Dennis Henrichsmeyer	✓		
Shawna Henrichsmeyer	✓		
David Koonce	✓		

APPROVED:

Cherie Henson
Cherie Henson, Village President

ATTEST:

Dianne Siebert
Dianne Siebert, Village Clerk

STATE OF ILLINOIS)
COUNTY OF BOND)
) SS

CERTIFICATION

I, Dianne Siebert, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Mulberry Grove, Bond County, Illinois, and that as such officer, I am the keeper of the records and files of the Village of Mulberry Grove, Illinois.

I do further certify that the foregoing document is a true, correct and complete copy of Ordinance 662 as passed by the Board of Trustees of the Village of Mulberry Grove, Illinois at the Regular Village Board Meeting on the 7th day of February, 2022, said ordinance being entitled:

ORDINANCE NO. 6102

**AN ORDINANCE TO ADOPT A FREEDOM OF INFORMATION ACT
POLICY IN ACCORDANCE WITH THE ILLINOIS FREEDOM
OF INFORMATION ACT (5 ILCS 140/1 *et seq.*)**

In witness whereof, I have hereunto affixed my official signature and the seal of the Village of Mulberry Grove, Bond County, Illinois, this 7th day of February, 2022.

Dianne Siebert, Village Clerk
Village of Mulberry Grove, Illinois

Dianne Siebert, Village Clerk
Village of Mulberry Grove, Illinois

(SEAL)

VILLAGE OF MULBERRY GROVE, ILLINOIS

FREEDOM OF INFORMATION ACT POLICY

The public has the right to information produced by their government within certain and limited privacy limitations. It is the express policy of the Village of Mulberry Grove, Illinois to provide assistance in obtaining that information.

Illinois Freedom of Information Act

The Village of Mulberry Grove permits access to and copying of public records in accordance with the Illinois Freedom of Information Act ("Act" - see, 5 ILCS 140/1 *et seq.*) balanced by the limited exceptions recognized in the Act, to safeguard individual privacy and the efficient operation of the Village. The Village's Freedom of Information Officer ensures that the Village complies with the Act.

To avoid any confusion or questions about the terms or scope of any requests pursuant to the Act, Village policy is that all such requests must be made in writing and submitted to the Village's Freedom of Information Officer. While there is a form that you may use (see attached), any written document that includes the following information would be acceptable:

- Your name
- Organization, if applicable
- Mailing address
- A phone number where you can be contacted for questions
- E-mail address (required if seeking electronic copies of records)
- A clear description of the records you are requesting (Please note that the use of requests pursuant to the Act are not intended as a medium for answering questions posed by the public)
- A declaration that a request is for a commercial purpose if that is your intent (as required by Section 3.1(c) of the Act (5 ILCS 140/3.1(c)) which makes it a violation to "knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.")
- If requesting another person's personal information or medical information, a signed release or court order authorizing such disclosure is required.

What information is available?

The Act provides public access to government documents and records. The Act defines public records as "all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information, and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body."

Some records are not subject to release via the freedom of information process. These types of records are described in the Act. Additionally, some records may be subject to confidentiality provisions imposed by other state or federal statutes. The process for disclosure of information does not supersede these other applicable statutory and judicial mandates.

Where do I send a Freedom of Information Act request?

The information request form, or your other written request, can be sent or delivered in person to the Village's Freedom of Information Officer at:

Freedom of Information Officer
Village of Mulberry Grove, Illinois
P.O. Box 8
Mulberry Grove, Illinois 62262

Does it cost anything?

Pursuant to the Act, there is a charge for request responses exceeding 50 pages. The fee is 15 cents per page starting at page 51. For example, the fee for a 100 page response would be \$7.50 - 50 pages x \$0.15. Fees in excess of 15 cents per page may be charged if the requested records are subject to statutory provisions permitting the Village to charge a fee for copies.

A waiver of a portion or all of the cost may be granted 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 not for the principal of personal or commercial benefit. To seek such a waiver or reduction, a *Request For Waiver of Fee or Reduced Charge For Requested Documents Pursuant to the Illinois Freedom of Information Act* will need to be submitted for review and consideration by the Freedom of Information Officer. This form is available from the Freedom of Information Officer.

Do you accept credit cards for fee payments?

The Village is not capable of accepting credit card payments at this time. Fees need to be paid in cash or by check or money order payable to "Village of Mulberry Grove".

How long will it take to obtain the records?

The Act requires the Village to respond to non-commercial requests within five (5) business days or a date which is mutually agreed upon by the Village and the requestor. The Village can ask for an additional five (5) business days in which to respond under certain circumstances outlined in the Act and upon the provision of a written notice to the requestor. Commercial requests must be responded to within 21 business days.

Can you send me the records by overnight mail?

The Village does not pay to send the records by overnight mail. At the discretion of the Freedom of Information Officer, you may be able to send the Freedom of Information Officer a pre-

addressed return overnight mailer with your billing account number for use in mailing requested records.

Medical Information/Private Information

Requests for medical information about a person or for private information, you will need to have a signed authorization or release from the person or subject of the information or their legal representative. If no authorization or release is received with the request, the medical or private information will be redacted (blacked out) or completely withheld.

What is a request for commercial purpose?

Section 2 (C-10) of the Act defines commercial purpose as:

(T)he use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific, or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is (i) to access and disseminate information concerning news and current or passing events, (ii) for articles of opinion or features of interest to the public, or (iii) for the purpose of academic, scientific, or public research or education. 5 ILCS 140/2 (C-10)

VILLAGE OF MULBERRY GROVE, ILLINOIS

FOIA SUBMISSION FORM

To request records, please fill out the spaces within this form below. This form, or your other written request, can be sent or delivered in person to the Village's Freedom of Information Officer at:

Freedom of Information Officer
Village of Mulberry Grove, Illinois
P.O. Box 8
Mulberry Grove, Illinois 62262

No fees are necessary at this time (if applicable). If the request is for individually identifiable health information, an authorization or release permitting the disclosure of this information signed by the person (to whom the information is regarding) or the person's representative, or a court order permitting such release, is required to be submitted with the request.

Failure to submit any required documentation authorizing the disclosure will result in a denial of the records or the redaction of all information that may lead to the identity of a person or the person's medical condition. The Freedom of Information Act ("FOIA") (5 ILCS 140, *et. seq.*) requires a written response to non-commercial requests within five (5) business days after the receipt of the request. Commercial requests require a response within 21 business days. The Village's response may include an extension for another five (5) business days or a communication to an agreed upon date by the requestor and the Village.

PLEASE NOTE: Any requests for information which seek "Vital Records," including birth records, death records, marriage records, or any other related data may not be available pursuant to the Act and/or the Illinois Administrative Code.

GENERAL INFORMATION

Requested by: _____

Organization/Business Name: _____

Address: _____

Contact Phone: _____

Contact Email: _____

DESCRIPTION OF FOIA INFORMATION REQUESTED

Type of Inquiry:

Commercial _____ General Public _____ Media Outlet _____

Type of Request:

Inspect Records Requesting Copies

Request Description (enter a clear description of the records you are requesting):

VILLAGE OF MULBERRY GROVE, ILLINOIS

**REQUEST FOR WAIVER OF FEE OR REDUCED CHARGE
FOR REQUESTED DOCUMENTS PURSUANT TO
THE ILLINOIS FREEDOM OF INFORMATION ACT**

A fee waiver/reduction will be granted only if it appears that 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 not principally for personal or commercial benefit.

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

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

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

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

4. That the waiver or reduction of the fee is in the public interest.

Signature

Printed Name

Date: _____

FOR VILLAGE USE ONLY

Waiver or reduction in fee is: granted _____ denied _____

Basis for action: _____

FOIA Officer

Date: _____