

Village of Deer Creek

Freedom of Information Act Directory

Published March 2010

MUNICIPAL RECORDS DIRECTORY & FREEDOM OF INFORMATION ACT REQUEST INFORMATION

This order sets forth procedures to ensure that citizen requests for access to public records of the Village of Deer Creek, Illinois, will be processed with the timeliness and cooperative spirit envisioned by the Illinois Freedom of Information Act (FOIA) Illinois Compiled Statutes, 5 ILCS 140/1).

Any person requesting records of the Village of Deer Creek may make such a request in writing. Such request should be made to Lori Lewis, FOIA Officer, at 101 W. First Street. Another method would be by mailing, faxing or emailing a written request to the FOIA Officer 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.

COPYING COSTS AND FEES:

1. Copy charge: 15 cents per copy (per side), unless otherwise posted. No fees may be charged for the first 50 pages of black and white, letter or legalized copies. For color copies or copies in a size other than letter or legal, the Village shall charge its actual cost for reproducing the record. The actual cost shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records.
2. Charge for booklets and other specially produced items printed in-house shall include all material costs (i.e. cover, binders, etc.) – but in no case can any labor costs of Village employees be included in the charge.
3. Charge per item for booklets and other specially produced materials printed by a commercial firm shall be determined by dividing the actual charge to the Village from the printer by the number of copies printed.
4. Cost for certifying public records shall be \$1 for each certification attached to the record or records.
5. The cost of furnishing a copy of microfilm, photographic prints or negatives, EDP tape, computer diskettes, audio recording tape, movie film, video tape of film cassettes, etc., shall be the actual cost of materials, any commercial contractual charges incurred (per copy), – in no case can any labor costs of Village employees be included in the charge.

Furnishing Copies: If it appears that the cost for copying the requested records will exceed \$5, the requester should be advised of the approximate cost before the copies are made. The requester can ask for a waiver of fee or a reduced fee for copying charges. The Village of Deer Creek Request for Waiver of Fee or Reduced Charge form is included in the Village's FOIA directory. According to the Illinois FOIA, a request for waiver/reduction will be granted only if:

- a. the person requesting the documents states the specific purpose for the requests, and
- b. indicates that a waiver or reduction of the fee is in the public interest. The Illinois FOIA defines waiver for public interest as such: "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. In setting the waiver or reduction, the Village may take into account the amount of materials requested and the cost of copying them.

FOIA Required File of Denial and/or Time Extension Records: As required by the FOIA, the Village Clerk shall maintain the file of all denials of records and letters extending response time within the Village Deer Creek, Illinois. Any subsequent letter or written record of an action which

modifies or changes a denial previously made shall be copied to the Village Clerk so that the Clerk's file can be kept accurate.

Written Request: Receipt by the Village of a written request for access to public records invokes the provisions of the FOIA and starts the time running for the required response time as mandated in the Illinois FOIA. Therefore, all written requests shall be signed by the individual making the request and be dated, timed, and signed by the person receiving the written request.

Timeliness of Response to Request for Records: The Illinois FOIA requires that any copy of public records requested by a citizen must be furnished within five business days. In addition, the FOIA provides seven reasons for which the reply time may be extended for an additional five business days. The person placing the request for information must be notified in writing within the first five days if the Village is extending the response time an additional five days. In addition, a copy of the extension notification must be filed with the Village Clerk.

Any employee receiving a written request for access to public records shall immediately forward such request to the FOIA Officer.

The request should be granted immediately and the record produced at that time if:

- 1) A citizen merely desires to see and read and/or make a handwritten copy of the record;
- 2) The FOIA officer determines that the requested record contains no information to which access could be questioned and possibly denied under the FOIA; and
- 3) Proper supervision of the person and record can be conveniently maintained without unduly disrupting the necessary work of the department at that time.

If prompt access would obstruct or hinder work of the department at that time, the request for record(s) should be accepted and the information provided at a subsequent date within the time frame outlined in the FOIA.

The following documents are available for immediate disclosure without further written request or waiting:

- Approved Regular Village Board minutes
- Ordinances
- Resolutions

Denial of Access to Records: A denial shall only be rendered by the FOIA officer after consultation with the Village Attorney. The legal opinion shall prevail. All denials shall be made in writing within five working days after receipt of the request (or within ten business days after receipt of the request if the Village has taken appropriate action to seek an extension). Per the Illinois FOIA, the denial must be in writing and must include:

- a. the reason for the denial;
- b. the names and titles or positions of each person responsible for the denial;
- c. reference by section number and letter to the specific section of the FOIA used to authorize the denial; and
- d. a sentence informing the requester of their right to appeal the decision in writing to the Public Access Counselor or initiating an action for judicial review in the 10th Judicial Circuit Court of Tazewell County.

Whenever possible, the department making the denial should use the Village's Denial of Request for Record form which is included in each Village of Deer Creek FOIA directory. Additional copies of the form are also available from the Village Clerk's Office.

For the Village of Deer Creek, the "head of the public body" is the Village President.

PROMINENT PUBLIC DISPLAY: The Village of Deer Creek FOIA publication shall be displayed in a suitable manner in the public reception area of the Village Hall. Copies of the Village's FOIA publication are available from the Village Clerk.

SUGGESTED FORMS

**Request for Information From the Village of Deer Creek, Illinois
Under the Illinois Freedom of Information Act**

To: Lori Lewis
Freedom of Information Officer
Village of Deer Creek
101 W. First Street
Deer Creek, IL 61733

From:
Name (Please print): _____
Street Address: _____
City/State/Zip: _____
Home Phone: _____ Work Phone: _____

I hereby request to inspect/copy the following records: _____

_____ **This request is for Commercial Purposes** (You *MUST* state whether your request is for a commercial purpose. A request is for a "commercial purpose" if all or any part of the information will be used in any form for sale, resale, or solicitation or advertisement for sales or services. Failure to disclose whether a request is for a commercial purpose is a prosecutable violation of FOIA.)

Signature of individual making request: _____

I hereby verify that I received on the date so noted those records requested which are available for inspection under the Freedom of Information Act.

Signature: _____ Date: _____

*****Office Use Only*****

The records so requested have been reviewed and are appropriate for release under the guidelines of the Illinois Freedom of Information Act.

The records requested were presented at:

_____ on the _____ day of _____, _____.
Time Date Month Year

Date Request Received Date Response Due Date Extended Response Due Total Charges Date Documents Copied or Inspected

Signature, title and department of employee presenting records for inspections:

Date

(Name)
(Address)

Thank you for writing to (name of public body) with your request for information pursuant to the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

On (insert date received by public body), you requested the following documents: _____

_____.

Your request has been granted.

(If the number of black and white copies is 50 copies or fewer) We have enclosed copies of the documents that you requested.

(If the number of black and white copies is greater than 50, or if the copies are color in a size other than letter or legal size, state the following:) In keeping with the copying fees allowed by the Illinois Freedom of Information Act, 5 ILCS 140)6(b), the cost of your copies is \$_____. Please send us a check or money order, made payable to _____ for this amount.

Sincerely,

Lori Lewis, Village Clerk

cc: Pat McGrath, Village Attorney

Sample Response Granting a FOIA Request

Date

(Name)
(Address)

Dear _____,

Your request dated _____ and received by the Village of Deer Creek on _____ for records of _____

requires additional time to respond to your request as provided by Section 3(d) of the Illinois Freedom of Information Act ILCS 140/3. This additional time is required because:
a) the requested records are stored on whole or in part at other locations that the office having charge of the requested records;

b) the request requires the collection of a substantial number of specified records;

c) the request is covered in categorical terms and require an extensive search for the records responsive to it;

d) the requested records have not been located in the course of routine search and additional efforts are being made to locate them;

e) the requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under sections 7 and 7.5 of the Act or should be revealed only with appropriate deletion;

f) the request for records cannot be compiled with by the public body within the time limits prescribed by paragraph (c) of this Section without unduly burdening or interfering with the operations of the public body;

g) there is a need for consultation, which shall be conducted with all practical speed, with another public body or among two or more components of a public body having a substantial interest in the determination or on the subject matter of the request.

The records you have requested will be made available by _____.

Sincerely,

Lori Lewis, Village Clerk

cc: Pat McGrath, Village Attorney
Sample FOIA 5 Day Extension Letter

Date

(Name)
(Address)

Dear _____:

Your request dated _____ and received by the Village of Deer Creek on _____ is hereby granted in part. Some portion(s) of the record(s) are exempt from disclosure under Section 7 _____ of the Illinois Freedom of Information Act, 5 ILCS 140/7, because:

If you believe this interpretation of the law is incorrect, you may, in accordance with Section 9 of the Illinois Freedom of Information Act, 5 ILCS 140/9, seek review of this decision by the Public Access Counselor, Cara Smith, Office of the Attorney General, 500 South 2nd Street, Springfield, IL, 62706, FAX: 217-782-1346, email: publicaccess@atg.state.il.us or, alternatively, you may seek judicial review of this decision by filing a lawsuit in the 10th Judicial Circuit Court of Tazewell County pursuant to §11 of the Act.

Sincerely,

Lori Lewis, Village Clerk

cc: Pat McGrath, Village Attorney

Sample Response Granting a FOIA Request In Part
And Denying the Request in Part

Date

(Name)
(Address)

Dear _____:

Your request dated _____ and received by the Village of Deer Creek on _____ is hereby denied. The record(s) you requested are exempt from disclosure under Section 7 ____ of the Illinois Freedom of Information Act, 5 ILCS 140/7, because:

If you believe this interpretation of the law is incorrect, you may, in accordance with Section 9 of the Illinois Freedom of Information Act, 5 ILCS 140/9, seek review of this decision by the Public Access Counselor Cara Smith, Office of the Attorney General, 500 South 2nd Street, Springfield, IL, 62706, FAX: 217-782-1346, email: publicaccess@atg.state.il.us, or, alternatively, you may seek judicial review of this decision by filing a lawsuit in the 10th Judicial Circuit Court of Tazewell County, pursuant to §11 of the Act.

Sincerely,

Lori Lewis, Village Clerk

cc:Pat McGrath, Village Attorney

Sample Response Denying a FOIA Request

**VILLAGE OF DEER CREEK
REQUEST FOR WAIVER OF FEE OR REDUCED CHARGE
FOR RECORDS REQUESTED PURSUANT TO THE
ILLINOIS FREEDOM OF INFORMATION ACT**

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

1. That the undersigned desires to inspect and 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 duplication fee is in the public interest.*

Signature of applicant: _____ Date: _____

Check appropriate action: _____ Waiver or _____ Reduction in Fee
_____ Granted _____ Denied

Staff signature and title: _____ Date: _____

*Note: 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 for the principal purpose of personal or commercial benefit. Explanation as to why the fee waiver or reduction should be granted.

Please explain why the waived reduction of fee is in the public interest.

**** Note to Public Body:** Before denying a request, in whole or in part, based on an exemption in Section 7(1)(c) or 7(1)(f) of the Freedom of Information Act, you must provide written notice to the Public Access Counselor and the requester of the intent to deny the request on this basis.

5 ILCS 140/9.5(b). Completing and submitting this form to the Public Access Counselor and to the requester will constitute written notice of the public body's intent to deny the requester's FOIA request in whole or in part based upon the exemption in Section 7(1)(c) of 7(1)(f) of the Freedom of Information Act.

Name of Public Body:

Contact Information for FOIA Officer: _____

Signature of FOIA Officer: _____

Exemption claimed by public body (check which applies):

___The requested records contain personal information and the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1) (c).

___The requested records are preliminary drafts, notes, recommendations, memoranda or other records in which opinions are expressed, or policies or actions are formulated.

Proposed response to the requestor's FOIA request by the public body (*attach additional pages, if necessary*): _____

Detailed summary of the basis for asserting the exemption (*attach additional pages, if necessary*):

*****ATTACH A COPY OF THE FOIA REQUEST*****

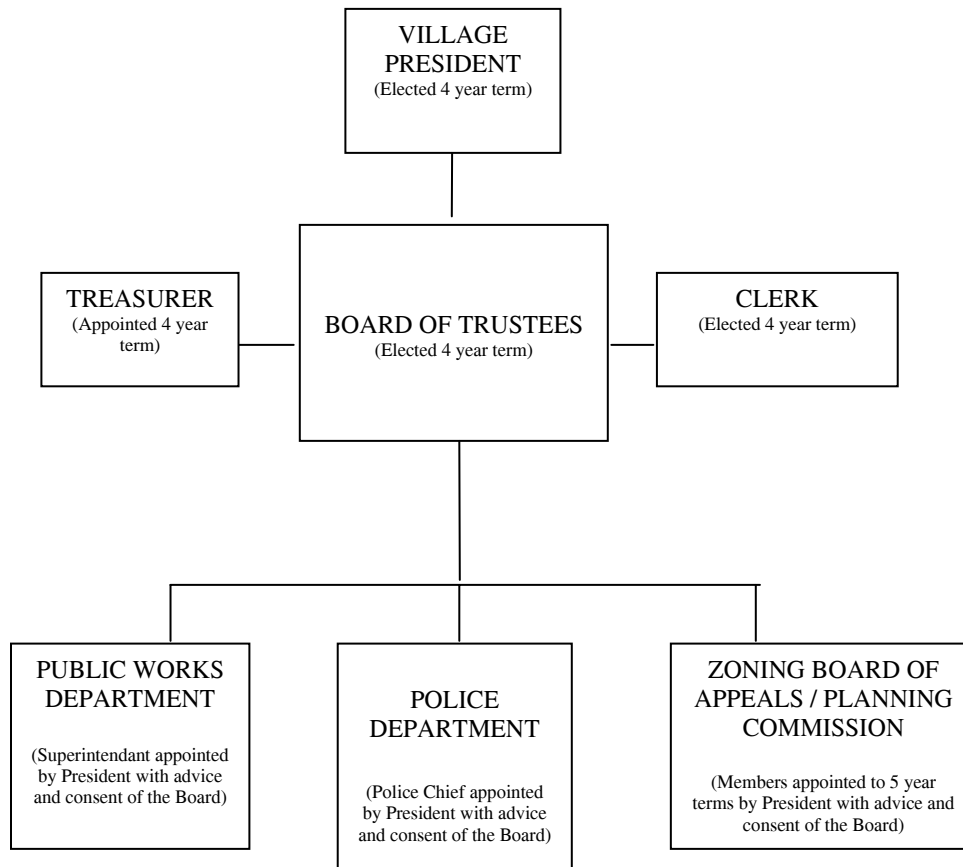
The Public Access Counselor will not accept this Notice of Pre-Approval without attachment of a copy of the FOIA request in question.

MUNICIPAL INFORMATION DIRECTORY

The Village of Deer Creek 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) Sewer and water service
- C) Street maintenance and repair
- D) Parks and recreation
- E) Zoning and land management

The Village of Deer Creek has certain functional subdivisions which are shown on the table below.



The Deer Creek Municipal Building is located at 101 W. First Avenue.

The Village of Deer Creek operates under the Trustee-Village form of government. In Villages, six Trustees form the legislative body, with the Trustees generally being elected from the Village at-large. The terms of the President and Trustees are four years. Appointments to all non-elective offices, unless otherwise specifically provided by statute, are made by the President with the advice and consent of the Board of Trustees. The approximate amount of the operating budget of the Village of Deer Creek is \$739,103. Village Hall is located at 101 W. First Street and the Police Department is located at 106 E. First Street. The Village currently employs 12 full and part-time employees.

The Village of Deer Creek Freedom of Information Officer is Lori Lewis, Village Clerk. Her contact information is as follows: office phone, 309-447-6749; e-mail dccreek@mchsi.com.

Village of Deer Creek
101 W. First Street
Deer Creek, IL 61733
Village Phone and Fax: 309.447.6749
dcreek@mchsi.com

The members of the boards, commissions, and committees of the Village are as follows:

Elected Officials:

Village President

James E. Hackney (Term expires: 5/1/2013)

Village Trustees

Anthony Berardi (Term expires: 5/1/2011)

Robert J. Roy (Term expires: 5/1/2011)

Karl Eschelbach (Term expires: 5/1/2011)

Amy C. Stedman (Term expires: 5/1/2011)

Mark Rich (Term expires: 5/1/2013)

Michael Wallace (Term expires: 5/1/2013)

Village Clerk

Lori C. Lewis (Term expires: 5/1/2013)

Appointed Officials:

Village Treasurer

Breanne Grafin (Term expires: 5/1/2013)

Chief of Police

James Edwards (Term expires: 5/1/2013)

Public Works Superintendent

Francis Wort (Term expires: 5/1/2013)

Planning Commission/Zoning Board of Appeals

Robert Coy (Term expires: 4/30/2013)

F. Ann Davis (Term expires: 4/30/2011)

Karl Eschelbach (Term expires: 4/30/2016)

F. Robert Hofmann (Term expires: 4/30/2012)

Carlene Mathis-Kull (Term expires: 4/30/2014)

Robert J. Roy (Term expires: 4/30/2015)

One position vacant

Equal Employment Opportunity Affirmative Action Executive Policy Statement

This statement is to reaffirm the Village of Deer Creek's policy to be fair and equitable in all its relations. It is the Village of Deer Creek's obligation to execute and deliver equal opportunity to all its employees and applicants for employment without regard to applicable protected class status in all job classifications. The Village of Deer Creek continues to be committed to the concept of affirmative action, a necessary element in a system of merit principles, and to broaden the employment opportunity of traditional victims of job discrimination. The Village of Deer Creek supports special efforts aimed toward outreach, recruitment, training, retention, and advancement of qualified protected class members. The major purpose of the Administrative Action Plan for Fair practices is to provide a set of specific results oriented procedures whereby the Village is committed to the application of every good faith effort, to insure that decisions on selection and advancement are based on valid requirements.

The Village of Deer Creek believes that an effective affirmative action plan cannot be passive. We must be receptive and willing to be aggressive in both the identification of and the elimination of inequitable policies, practices, and procedures which could result in unlawful employment discrimination. An effective affirmative action plan benefits everyone, at all levels of the work force, in the full utilization of the talents, resources, and skills of protected class members.

Americans with Disabilities Act

The Village of Deer Creek is committed to providing equal opportunities without regard to disability to the general public in admission to, access to, or operation of its programs, services, or activities. The Village of Deer Creek is further committed to its policy of antidiscrimination on the basis of disability in its hiring or employment practices. This notice is provided as required by Title II of the Americans With Disabilities Act of 1990 (ADA)

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to the Deer Creek Village Hall.

Individuals who need auxiliary aids for effective communication in programs and services of the Village of Deer Creek are invited to make their needs and preferences known to the Deer Creek Village Hall.

Individuals with speech or hearing impairments may contact Village offices without TTY/TDD listings through the Illinois Relay Center's toll free number: 1-800-526-0844.