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AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 1, CHAPTER 11 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO REQUESTS FOR PUBLIC RECORDS

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WHEREAS, the Village President and Board of Trustees of the Village of Orland Park (the “Village”) have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Freedom of Information Act (FOIA) 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, after FOIA was amended the Village of Orland Park established 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 Village, but did not change the language of the Code to reflect the new practices and procedures; and

WHEREAS, it is necessary for the Village of Orland Park to amend its Village Code, 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 Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

The above recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2

That Title 1, Chapter 11, Section 1-11-1-2 of the Orland Park Village Code is amended by amending and restating Section 1-11-1-2 thereto, which shall read in its entirety as follows:

1-11-1-2: REQUEST FOR INFORMATION:

The request for information shall be in writing, and may be on a form provided by the Village. A request should contain, at a minimum, the following information:

1. Name, address, telephone number, and signature of requestor;
2. Information requested;
3. Whether request is to inspect or to receive a copy (or certified copy) of the information;
4. Date of request and date response is due.

The "Request for Information" forms shall be available at the office of the Public Information Officer, 14700 Ravinia Avenue, Orland Park, Illinois.

Completed requests shall be submitted to the office of the Public Information Officer and marked received. A copy of the completed request containing the title and address of the employee who is responsible for the request will be given to the requestor.

The Public Information Officer shall direct the request to the designated employee responsible for processing the request. The employee processing the request will comply, extend the time for compliance, or deny the request as provided by law. Said processing shall be noted on a response form containing a minimum of the following information:

1. Name, address, and telephone number of requestor;
2. Date request received;
3. Records requested;
4. Type of response:
 - i. Comply with request, with information on when and where records may be inspected or how copies may be obtained,
 - ii. Additional time to review request needed; reasons for delay and date when response will be made,
 - iii. Deny request, with reasons for denial; notice of right to appeal or judicial review,
 - iv. Referral of request to another public body which has custody or control of information.
5. Name and title of person responding to or denying a request.”

SECTION 3

That Title 1, Chapter 11, Section 1-11-1-3 of the Orland Park Village Code is amended by amending and restating Section 1-11-1-3 thereto, which shall read in its entirety as follows:

“1-11-1-3: COMPLIANCE:

If the designated employee processing the request determines that the requested information is not exempt, the designated employee shall so notify the requestor and arrange for the inspection or delivery of the copies within five (5) working days.

Inspection shall occur at the office of the designated employee.

Copies requested shall be made available to the requestor at the office of the designated employee; however, copies shall not be made available until any applicable fees allowed under the Act have been paid.”

SECTION 4

That Title 1, Chapter 11, Section 1-11-1-4 of the Orland Park Village Code is amended by amending and restating Section 1-11-1-4 thereto, which shall read in its entirety as follows:

“1-11-1-4: EXTENSION:

If within the five (5) working day period for compliance the designated employee determines that an additional five (5) working days is needed and is permitted by the Act (Section 3), the designated employee shall notify the requestor in writing the reasons within the initial five (5) working day period, and attempt telephone notification. During the extended time period the designated employee shall notify the requestor of a decision to comply or a decision to deny.

In the case of compliance, arrangements for the inspection or delivery of copying shall occur within the extended five (5) working day period. Compliance will occur at the office of the designated employee.

In the case of denial due to one of the reasons specified in Section 7 of the Act, the designated employee shall notify the requestor in writing the reason(s) for denial, within the extended period, and attempt telephone notification.”

SECTION 5

That Title 1, Chapter 11, Section 1-11-1-5 of the Orland Park Village Code is amended by amending and restating Section 1-11-1-5 thereto, which shall read in its entirety as follows:

1-11-1-5: DENIAL:

A denial of a request for information shall be made by the designated employee, and the requestor will be notified in writing with the reasons therefor.

The reasons for denial are stated in Sections 7 and 7.5 of the Act, and also in the Preamble of the Act. The written denial shall be signed by the employee and shall be mailed within the five (5) working day period or within the extended five (5) working day period, whichever is applicable. A denial letter shall include information regarding the requestors right to appeal to the Public Access Counselor or the court, as set forth in the Act.

SECTION 6

That Title 1, Chapter 11, Section 1-11-1-6 of the Orland Park Village Code is amended by amending and restating Section 1-11-1-6 thereto, which shall read in its entirety as follows:

1-11-1-6: NOTICE OF APPEAL:

A denial letter shall include information regarding the requestor’s right to appeal to the Public Access Counselor or the court, as set forth in the Act.

SECTION 7

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8

This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.