

**VILLAGE OF MIDLOTHIAN**

**FREEDOM OF INFORMATION ACT  
GUIDELINES**

October 1, 2018

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APPENDIX A: Request to Inspect and/or Copy Records under the Illinois Freedom of Information Act

Request to Inspect and/or Copy Public Records.....	A1
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# GUIDELINES

## I. Compliance

It is the policy of the Village of Midlothian to permit access to and copying of public records in accordance with the Illinois Freedom of Information Act, hereinafter referred to as the "Act", (5 ILCS 140/1 et. seq.). The Village acknowledges its obligation to provide public records to requesters as expediently and efficiently as possible pursuant to the Act. All public records as defined in the Act are presumed to be open to inspection and copying and unless a requested record is believed to be exempt from disclosure under Section 7 or 7.5 of the Act, it shall be so made available in a prompt and efficient manner.

## II. Requesting Records

- A. A request for records must be in writing and directed to the Village. Requests should be sent to the Village Hall addressed to the Village Freedom of Information Officer. However, all requests received by the Village shall be processed. Upon receipt of a request for records, the request shall be immediately given to a Village Freedom of Information Officer.

Any person requesting records for a commercial purpose must advise the Village that the request is for a commercial purpose and such a request will be handled in the manner described in sub part D below.

Any person orally requesting records shall be advised to put the request in writing to the Village directed to the attention of a Village Freedom of Information Officer. Any person requesting records should, but shall not be required to use, the "Request for Inspection or Copying of Records" form. This form shall be made available to any person upon request.

Records will be made available for inspection and copying during regular business hours at:

Village of Midlothian  
14801 South Pulaski Road  
Midlothian, IL 60445

- B. Village Freedom of Information Officer.

The Village has designated the following as Freedom of Information Officers:

<u>Name</u>	<u>Position</u>
Allen Moskal	Village Clerk
Maria Kolacki	Deputy Village Clerk

All may be reached by dialing 708-389-0200. The mailing address is 14801 South Pulaski Road, Midlothian, IL 60445.

Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) note the date the Village received the written request;
- (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 related to the request.

C. Content of Requests. All requests should, to the extent reasonably possible, specify with particularity, the records requested to be retrieved and copied. If any records are to be certified, it must be so indicated in the request, specifying which records are to be certified.

D. Requests for Commercial Purposes.

As required by the Act, any person requesting public records for a commercial purpose must inform the Village that the requested records are to be used for a commercial purpose. The Village's response to such a request shall be made in 21 days and shall be in compliance with the provisions of the Act. Section 2c-10 of the Act defines commercial purpose to mean:

The 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.

### ***III. Responses to Requests for Records***

Within five (5) working days after receipt of a written request for records the Village Freedom of Information Officer will provide, one or more of the following responses to the person requesting the records:

1. Advise in writing that the records are available for inspection or copying at a designated location within the Village. If copies have been requested, that the records are available for pickup at a designated location within the Village along with a statement of the required fee if any. However, in the event that the fee for copying the requested records exceeds Ten Dollars, the records will not be copied unless the fee is paid in advance and the requesting party shall be advised of this requirement.
2. That the five-day limitation has been extended to not more than five (5) additional working days pursuant to Section VII below.
3. Advise in writing that the request is unduly burdensome due to its categorical nature or size and that the requesting party has the opportunity to meet and confer with a Village Freedom of Information Officer to attempt to make the request manageable.
4. Deny, in whole or in part, the request in writing, stating the specific basis for denial to include a detailed factual basis for the application of the claimed exemption. Any denial shall be made in writing and mailed or given personally within the five (5) day period or any extension thereof.

### ***IV. Intent to Deny Request***

If the Village receives a request for public records and asserts that the requested records are exempt from disclosure under either subsection (1)(c) or subsection (1)(f) of Section 7 of the Act, the Village's Freedom of Information Officer shall, within the time limit for the response (five (5) working days), provide written notice to the requester and to the Public Access Counselor of the Village's intent to deny the request in whole or in part. This notice shall include: (1) a copy of the request for the records; (2) the proposed response from the Village; and (3) a detailed summary of the Village's basis for asserting the exemption.

### ***V. Right to Review by PAC and to Judicial Review***

Any denial of a request for public records shall include a statement that the person requesting the records has the right to a review of the denial by the Public Access Counselor and shall provide the address and phone number of the Public Access Counselor. The requester shall also be informed of the right to seek judicial review pursuant to Section 11 of the Act.

## ***VI. Exempt Records***

Certain public records are exempt from copying and inspection pursuant to Sections 7 and 7.5 of the Act. If any public record exempt from disclosure under Section 7 of the Act contains any material which is not exempt, the Village may elect to redact the information that is exempt and make the remaining information available for inspection and copying.

## ***VII. Extension of Time to Comply***

The time limit of five (5) working days to comply with a request for records may be extended in each case for not more than five (5) additional working days for certain reasons noted in the Act. If the time is to be extended, Notice shall be given to the requester in writing, indicating the reason for the extension of time for disclosure.

The requester and the Village may agree in writing to extend the time of compliance for an agreed upon period of time.

## ***VIII. Retrieval and Copying***

Retrieval and copying of records is limited only to Village Freedom of Information Officers or employees of the Village designated by the Village Clerk, Deputy Village Clerk or Chief of Police.

## ***IX. Inspection of Records***

Inspection of records shall only be permitted in the presence of a Village Freedom of Information Officer or an employee of the Village designated by the Village Clerk, Deputy Village Clerk or Chief of Police.

## ***X. Catalog of Records***

Records received or prepared are catalogued by type as listed in these guidelines.

## ***XI. Central File for Denial Letters***

A central file of copies of all denial letters, indexed by the type of exception for the denial, will be maintained by the Office of the Village Clerk.

## ***XII. Fees***

The fees for copies of records shall be as provided below or as otherwise determined by the Village Board from time to time.

- A. No fee shall be charged for the first 50 pages of black and white copies requested.
- B. \$.15 per page after 50 for black and white copies.

- C. Actual cost for color copies or electronic medium.
- D. \$1.00 per certificate if the copies are to be certified.

If the person making the request for records states that the purpose of the request is for health, safety and welfare or legal rights of the general public rather than for personal benefit or commercial gain and requests that the fee be waived or reduced, the Village Clerk may, upon inquiry of the precise reason for the request, grant such waiver or reduction as he deems appropriate. Should any person wish to appeal a fee waiver or reduction decision of the Village Clerk, such appeal is to be made to the Village Board, in writing.

### ***XIII. Questions***

Should any person have any questions regarding access to public records of the Village that are not answered in this Guide, those questions may be addressed to a Village Freedom of Information Officer or to the Village Clerk.

# VILLAGE INFORMATION DIRECTORY

## ***XIV. MUNICIPAL COMPLEX***

The Village of Midlothian is an Illinois home rule municipality located in Cook County, Illinois. The Village is organized under the laws of the State of Illinois. The Village is governed by an elected Village President and six Trustees. The offices of the Village are located in the Village Hall, 14801 South Pulaski Road, Midlothian, Illinois 60445

## ***XV. VILLAGE PRESIDENT AND TRUSTEES***

A. The Village President and Village Trustees are:

Gary L'Heureux, Village President  
Kathleen Caveney, Trustee  
Sandra Crowley, Trustee  
Jerome Gillis, Jr., Trustee  
Carl Ivan, Trustee  
Donald Killelea, Trustee  
Karen Kreis, Trustee

B. Other Elected Officials:

Allen Moskal, Village Clerk

C. Committees/Commissions/Boards: The Village maintains the following standing Committees, Commissions and/or Boards:

<u>Name/Position</u>	<u>Committee</u>
Barb Killelea, Chairman	Beautification Committee
Frank Cichon, Chairman	Community Policing Committee
Terry Stephens, Chairman	Community Service Committee
Chief Daniel Delaney, Chairman	Emergency Management Agency
Carl Ivan, Chairman	Finance Committee
Joe Jones, Chairman	Fire & Police Commission
Lori Taylor, Chairman	Historical Society
Karen Kreis, Chairman	Keep Midlothian Beautiful
Jerry Gillis, Sr., Chairman	Midmark Water Commission
Diane Banta, Chairman	Natalie Creek Steering Committee

Louis Ceja, Chairman	Plan Commission
Karen Kreis, Chairman	Rain Ready Committee
Jean Bartecki, Chairman	Safety Committee
Helmut Lipp, Chairman	Technology Committee
Dave Twombly, Chairman	Veterans' Committee
Jerry Gillis, Sr., Chairman	Zoning Board

### ***XVI. Employees***

The Village employs approximately 70 full-time employees and approximately 30 part-time employees.

### ***XVII. Operating Budget***

The operating budget of the Village is approximately \$14.9 Million dollars.

### ***XVIII. Organizational Chart***

A block diagram of the functional subdivisions of the Village is set forth on Page 8 of these Guidelines.

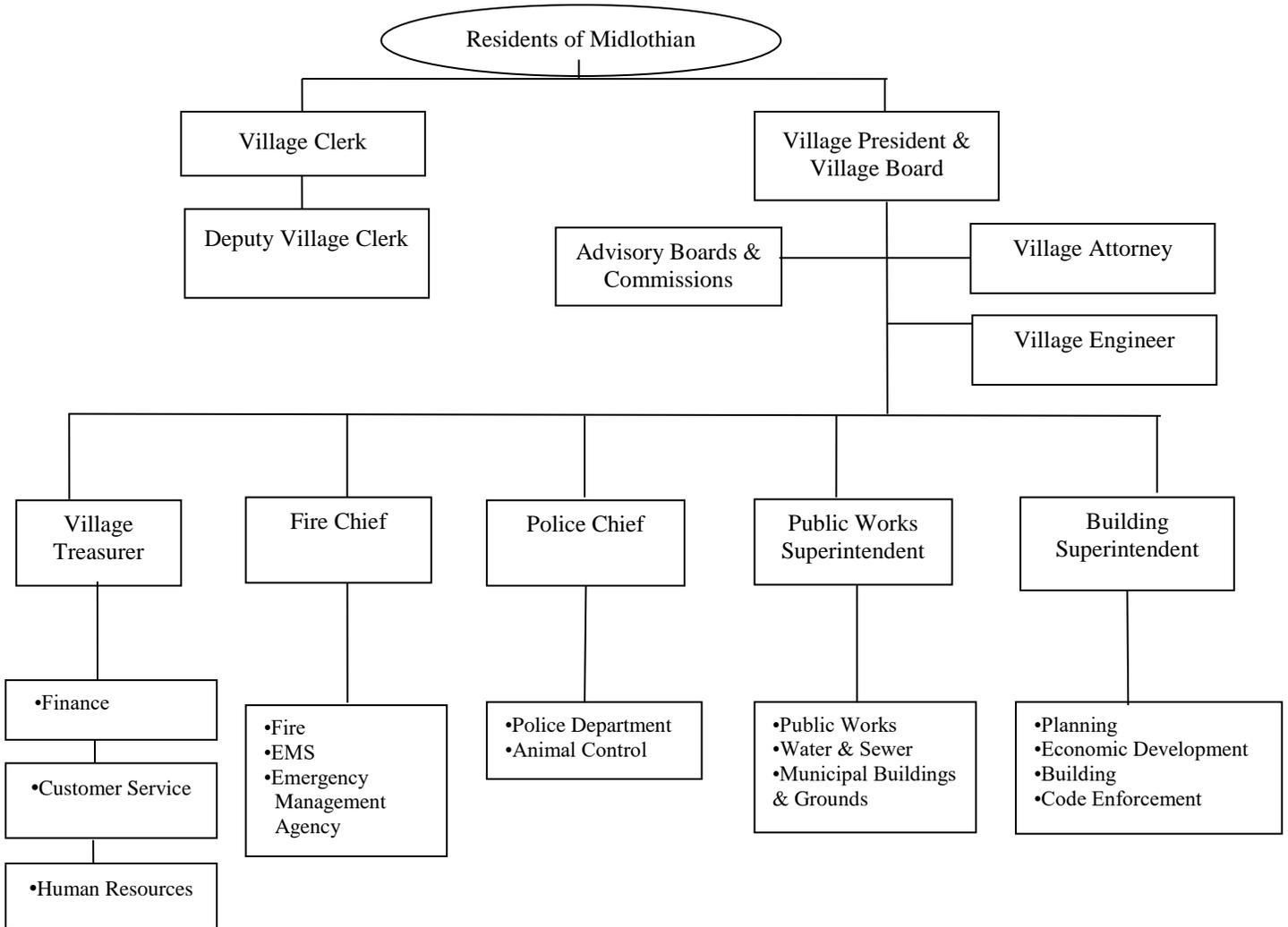
### ***XIX. List of Records***

A records list of the types or categories of records maintained by the Village is set forth on Page 9 of these Guidelines.

# ORGANIZATIONAL CHART

The following block diagram of the functional subdivisions of the Village.

## Village of Midlothian 2018-2019 Organizational Chart



## **LIST OF RECORDS**

The types of public records maintained by the Village and available for inspection include the following:

### **GENERAL**

- Board Meeting Schedules
- Board Minutes, Resolutions and Ordinances
- Board Policies and Administrative Procedures
- Legal Notices
- Employee Names, Titles and Dates of Employment
- Official Bonds
- Records of Village Ownership of Real or Personal Property
- Contracts
- Contractors' Records of Public Works Projects in the Village

### **FINANCIAL**

- Annual Budgets
- Tax Levies
- Audit Reports
- Bills or Invoices Issued and Received by Village
- Receipts for Revenue

Note:

Exemptions under the Illinois Freedom of Information Act may allow non-disclosure of some parts of public records maintained by the Village.

**APPENDIX A**

**VILLAGE  
FORM**

**Request to Inspect and/or  
Copy Records  
Under the  
Illinois Freedom of  
Information Act**

CONTROL # \_\_\_\_\_

FOIA FORM 3

VILLAGE OF MIDLOTHIAN  
REQUEST TO INSPECT AND/OR COPY RECORDS

Date: \_\_\_\_\_

To: Freedom of Information Officer/ Allen Moskal and Maria Kolacki

c/o Clerk's Office

14801 S. Pulaski

Midlothian, IL 60445

(708) 389-0200 x5

foia@villageofmidlothian.org

I hereby request to inspect  copy \*  the following records:

*(Please describe requested records as specifically as possible, attaching additional page if necessary.)*

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There is no copying fee for the first 50 black and white standard-sized copies. The fee for additional copies is 15¢ per page. Actual cost will be charged for copies of documents not of standard size, and for the recording medium (e.g. compact disk, tape, DVD), when applicable. There is a \$1.00 fee for certification of copies.

Is this request for a commercial purpose?  Yes  No

Are you requesting a waiver or reduction of copying fees?  Yes  No

If yes, what is the purpose of this request? \_\_\_\_\_

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\_\_\_\_\_  
Requester's (Printed) Name

\_\_\_\_\_  
Requester's Signature

Address: \_\_\_\_\_

Phone Number \_\_\_\_\_

Name of Business \_\_\_\_\_