

JAN 04 2010

ORDINANCE NO. 2764

J. Ronald Colyer
City Clerk

**AN ORDINANCE SETTING FORTH PROVISIONS FOR
COMPLIANCE WITH THE ILLINOIS FREEDOM OF
INFORMATION ACT**

WHEREAS, the City Council of the City of Columbia, Illinois (the "City") has found and determined and does hereby declare that it is in the City's best interests and appropriate to take the steps necessary to comply with the Illinois Freedom of Information Act; and

WHEREAS, the Illinois Freedom of Information Act took effect on July 1, 1984 (5 ILCS 140/1 et seq.) and was substantially amended by Public Act 96-0542 effective January 1, 2010 (the "Freedom of Information Act" or "FOIA" or the "Act"); and

WHEREAS, it is necessary for the City to establish practices and procedures ensuring its full compliance with the Freedom of Information Act, so that the public policy stated therein can be carried out effectively and efficiently with respect to the records of the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Clerk is hereby designated as the FOIA Officer to whom initial requests for access to the records of the City are to be referred. Such requests are to be made at the offices of the City Clerk at 208 S. Rapp Avenue, Columbia, Illinois, during normal business hours (currently 8:30 AM to 5:00 PM, Monday through Friday) via personal delivery, mail, telefax, e-mail, or other means available for receipt by the City. In addition to the City Clerk, the City Administrator and the Deputy Chief of Police are each hereby designated as FOIA Officers to whom such initial requests may be made in the event the City Clerk is not available. Except in instances when records are furnished immediately, the FOIA Officer, or the FOIA Officer's designee(s), shall receive requests submitted to the City under the Freedom of Information Act, ensure that the City responds to requests in a timely fashion, and issue responses under the Act. The FOIA Officer(s) shall develop a list of documents or categories of records that the City shall immediately disclose upon request.

Section 3. Upon receiving a request for a public record, pursuant to the provisions of the Act, the FOIA Officer shall:

- (a) note the date the City received the written request;
- (b) compute the day on which the period for response will expire and make a notation of that date on the written request;
- (c) maintain an electronic or paper copy of such written request, including all documents submitted with the request until the request has been complied with or denied; and
- (d) create a file for the retention of the original request, a copy of the response thereto, a record of written communications between the requester and the City, and a copy of other communications pertaining thereto.

Section 4. Each FOIA Officer shall, within six (6) months after January 1, 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 by the City, that person shall successfully complete the electronic training curriculum within thirty (30) days after such person's date of appointment.

Section 5. Any records which are the subject of a request under the Act shall be retrieved from such place as they are stored, by the FOIA Officer, or by an employee of the City or by an entity employed by the City for such purposes, acting under the direction of the FOIA Officer. In no event shall records be retrieved by the party requesting them.

Section 6. 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(s) pursuant to Section 6(b) of the Act. The City Clerk shall maintain a written schedule of current FOIA fees in the City Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying such copies, if certification is requested.

Section 7. In the event that a request to inspect City records is denied by the FOIA Officer, the denial may be appealed to the Public Access Counselor of the State of Illinois.

Section 8. This ordinance shall be in full force and effect from and after its passage, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Roessler, and the roll call vote was as follows:

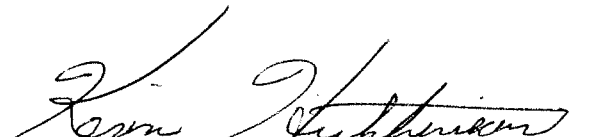
YEAS: Aldermen Ebersohl, Agne, Niemietz, Row and Roessler.

NAYS: Aldermen Hejna, Oberkfell and Stumpf.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 4th day of January, 2010.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



J. RONALD COLYER, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF TRUE COPY

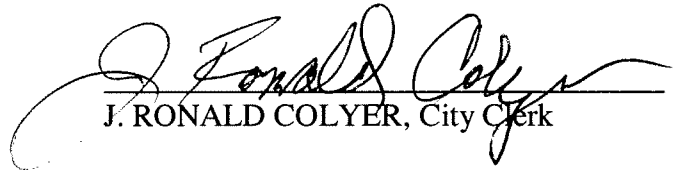
I, J. Ronald Colyer, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Illinois, and as such I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that Ordinance No. 2764, entitled:

“AN ORDINANCE SETTING FORTH PROVISIONS FOR COMPLIANCE WITH THE ILLINOIS FREEDOM OF INFORMATION ACT”

to which this certificate is attached, is a true, perfect, complete and correct copy of said ordinance as adopted at a regular meeting of the Columbia, Illinois City Council held on the 4th day of January, 2010.

IN WITNESS WHEREOF, I have made and delivered this certificate for the uses and purposes hereinabove set forth this 4th day of January, 2010.



J. RONALD COLYER, City Clerk

(SEAL)