
**NILES TOWNSHIP
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 05-2023

**AN ORDINANCE DESIGNATING FREEDOM OF INFORMATION OFFICERS FOR
NILES TOWNSHIP AND ADOPTING RULES AND REGULATIONS UNDER THE
FREEDOM OF INFORMATION ACT**

**TOWNSHIP BOARD
BONNIE KAHN OGNISANTI, Supervisor
CHARLES LEVY, Clerk**

**MARK COLLINS
KITTY KENDRICK
DONALD GELFUND
PEGGY TOLLESON
Trustees**

Published in pamphlet form by authority of the Supervisor and Board of Trustees of Niles Township on June 12, 2023

**Odelson, Murphey, Frazier, & McGrath LTD. — Township Attorneys
3318 West 95th Street — Evergreen Park, Illinois 60805**

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**AN ORDINANCE DESIGNATING FREEDOM OF INFORMATION OFFICERS FOR
NILES TOWNSHIP AND ADOPTING RULES AND REGULATIONS UNDER THE
FREEDOM OF INFORMATION ACT**

WHEREAS, Niles Township, Cook County, State of Illinois (the “Township”) is a duly organized and existing township and a unit of local government organized under the laws of the State of Illinois and is operating under the provisions of the Illinois Township Code, 60 ILCS 1/1-1, *et. seq.*, and all laws amendatory thereto; and

WHEREAS, the Township is a public body as defined by the Illinois Freedom of Information Act, 5 ILCS 140/1, *et. seq.* (“FOIA”), and required to operate openly and provide public records as expediently and efficiently as possible; and

WHEREAS, FOIA requires public bodies to designate one or more officials or employees to act as the Freedom of Information officer or officers (“FOIA Officers”); and

WHEREAS, each public body may promulgate rules and regulations in conformity with the FOIA pertaining to the availability of records and procedures to be followed, 5 ILCS 140/3(h); and

WHEREAS, it is necessary for the Township to designate one or more officials or employees as Freedom of Information Officers; and

WHEREAS, it is necessary for the Township to establish practices and procedures ensuring its full compliance with said Act, to ensure that the policy and procedures stated therein can be carried out effectively and efficiently with respect to the records of the Township; and

NOW THEREFORE BE IT ORDAINED by the Supervisor and the Board of Trustees of Niles Township, Cook County, Illinois, as follows:

SECTION 1: That all of the recitals and legislative findings contained in the preambles to this Ordinance are true and correct and are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: The Township Administrator is hereby designated and approved as the FOIA Officer for the Township. The Township Administrator or his or her designee shall receive FOIA requests submitted to the Township, ensure that the Township responds in a timely fashion, and issue responses. In the event that the Township Administrator is unable or unavailable, the Township Clerk is designated as the deputy FOIA Officer to whom such initial requests are to be made.

SECTION 3: The Township Deputy Assessor is hereby designated and approved as the FOIA Officer for the Niles Township Assessor Office. The Township Deputy Assessor or his or her designee shall receive Assessor Office FOIA requests submitted to the Township Assessor,

ensure that the Township Assessor Office responds in a timely fashion, and issue responses. In the event that the Township Deputy Assessor is unable or unavailable, the Township Assessor is designated as the deputy FOIA Officer to whom such initial requests are to be made to the Niles Township Assessor's Office.

SECTION 4: The Township Board hereby approves this Ordinance and the Niles Township Rules and Regulations For Freedom of Information Act (FOIA) Requests, attached hereto and incorporated herein as **Exhibit A**, and the Niles Township Assessor Office Rules and Regulation for Freedom of Information Act (FOIA) Requests, attached hereto and incorporated herein as **Exhibit B**.

SECTION 5: If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 6: All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage provided by law.

[Remainder of page intentionally left blank]

ADOPTED by the Supervisor and Board of Trustees of Niles Township, Cook County,
 Illinois this 12th Day of June 2023, pursuant to a roll call vote, as follows:

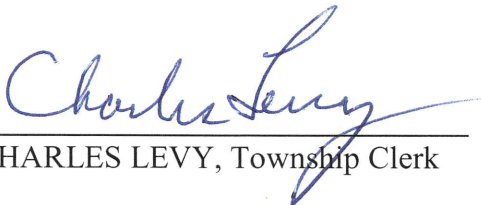
	YES	NO	ABSENT	PRESENT
Trustee Gelfund	1			
Trustee Collins	1			
Trustee Tolleson	1			
Trustee Kendrick	1			
Supervisor Ognisanti	1			
TOTAL	5	0	0	

APPROVED at a Regular Meeting of the Board of Trustees of Niles Township, on June 12, 2023.



 BONNIE KAHN OGNISANTI,
 Township Supervisor

ATTEST:



 CHARLES LEVY, Township Clerk

NILES TOWNSHIP ORDINANCE NO. 05-2023

EXHIBIT A

**Niles Township Rules and Regulations For
Freedom of Information Act (FOIA) Requests**

**Niles Township Rules and Regulations For
Freedom of Information Act (FOIA) Requests**

I. Introduction

The Freedom of Information Act, 5 ILCS 140/1, *et seq.* (the “Act”), requires all public bodies in the State of Illinois to make non-exempt public records available for inspection and copying. Niles Township not only strives to comply with the law but also fully endorses the fundamental concept that all persons are entitled to full, accurate, and complete information regarding the affairs of the Township and the official acts and policies adopted by the Township officials and public employees. In determining the parameters of public access to information, the Township also understands its obligations to protect legitimate privacy interests and maintain the efficiency of its administrative operations.

Pursuant to Section 3 of the Illinois Freedom of Information Act, the Township Board of the Niles Township has the authority to promulgate rules and regulations pertaining to the availability of records and procedures to be followed in conformity with the provisions of this Act. These rules are intended to serve as procedural guidelines for residents and employees, and officers of the Township in expediting the process of obtaining access to public records.

II. FOIA Requests

FOIA requests for the inspection and copying of non-exempt public records shall be sent in writing to the FOIA Officer’s e-mail address or the Deputy FOIA Officer, in the event the FOIA Officer is not available. FOIA requests may also be made in person, in writing, at the Niles Township administrative offices between the hours of 9:00 am and 5:00 pm, Monday through Friday, except on holidays. The Township will also accept FOIA requests made through the United States mail. The Township is only responsible for responding to FOIA requests that are actually received and is not responsible for transmission or delivery errors for FOIA requests.

The Township will not accept oral FOIA requests.

If the request is being made for a commercial purpose, the requester must disclose that fact to the Township at the time the request is made. It is a violation of the Act to knowingly obtain a public record for a commercial purpose without such disclosure.

III. Fee Schedule

Pursuant to 5 ILCS 140/6 the Niles Township has the authority to charge reasonable fees for duplication and/or certification of public records produced in compliance with FOIA requests. The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

- First 50 pages, black and white, letter or legal-size copies, no cost.
- Additional pages, black and white, letter or legal, actual cost to \$0.15.
- Electronic records will be formatted subject to reimbursement for costs of recording medium.

- Color copies or copies in a size other than letter or legal shall be reimbursed to actual costs.
- Costs of certifying a record will be \$1.00.

Records may be furnished without charge or at a reduced charge, as determined by the Township, if the person requesting the documents states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. 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.

IV. Township Response to Request for Inspection or Copying Records

In accordance with the Act, the Township will respond to all non-commercial requests within five (5) business days of receipt. The Township may extend the time to respond to an additional five (5) business days for a limited number of reasons as identified in 5 ILCS 140/3(e), and stated below:

- We store the requested records in whole or in part at another location(s).
- Responding to the request requires that we collect a substantial number of specified records.
- The request is couched in categorical terms and requires that we conduct an extensive search for the records responsive to it.
- In order to determine whether the requested records are exempt under Section 7 of FOIA or must be redacted in part before they are disclosed, the Township must have the documents reviewed by [insert names or titles of the appropriate personnel with the necessary competence to review the documents].
- The Township cannot comply with the request for records within the 5 business day time limit without unduly burdening or interfering with our operations.
- Before the Township can determine whether to provide the documents in response to your FOIA request, the Township must consult with [insert name of other public body] which has a substantial interest in the determination of how to respond to this request because [insert reason that other public body is involved].
- Before the Township can determine whether to provide the documents in response to your FOIA request, we must consult with [identify two or more components of the public body] to determine how to respond to this request because [insert reason that various components of the public body must consider].

In accordance with the Act, the Township will respond to commercial requests within twenty-one (21) business days of receipt.

V. FOIA OFFICER(S) DUTIES

In accordance with Section 3.5 of the Act, the Township Supervisor shall designate one or more employees or officers to serve as the Township's FOIA Officer(s), with the advice and consent of

the Township Board. The FOIA Officer shall complete an annual training curriculum through the State of Illinois, as provided in the Act.

A designated FOIA Officer shall have the authority to assign to other employees of the Township tasks that must be performed to assist the FOIA Officer(s) in properly and timely responding to a request for the inspection and/or copying of non-exempt public records pursuant to FOIA. An employee who is assigned such a task by the FOIA Officer shall perform that task priority over the performance of all other tasks, except other tasks that relate to the Township's response to a public emergency.

All FOIA requests shall be date stamped upon receipt. The FOIA Officer shall forward a copy of a request to the appropriate department, the FOIA Officer shall also indicate the date by which the request must be approved or denied (five business days from the date of receipt, in most instances).

The employee responsible for providing the information on behalf of his/her department shall promptly either provide the requested records or indicate to the FOIA Officer that no such records exist. The FOIA Officer shall then respond in writing to the requester based upon the documents provided or documents that have been determined not to exist.

If denying the request, the FOIA Officer must include, in writing, the following information:

- The statutory exemption used as the basis for the denial and the specific reasons for the denial, including a detailed factual basis for the denial and citation of the supporting legal authority.
- The notice of the requester's statutory right to petition the Public Access Counselor for review of the denial; and
- The Notice that the requester has the right to seek judicial review of a denial by filing a lawsuit in the State circuit court.

If the FOIA Officer is unsure about how he/she should respond to the documents requested, the FOIA Officer shall reach out to the Township Attorney immediately for guidance and/or review.

If any public record exempt from disclosure contains material that is not exempt, the Township shall redact/delete the exemption information and make the remaining information available for inspection and copying.

NILES TOWNSHIP ORDINANCE NO. 05-2023

EXHIBIT B

**Niles Township Assessor Office Rules and Regulations For
Freedom of Information Act (FOIA) Requests**

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Pursuant to Section 3 of the Illinois Freedom of Information Act, the Township Board of the Niles Township has the authority to promulgate rules and regulations pertaining to the availability of records and procedures to be followed in conformity with the provisions of this Act. These rules are intended to serve as procedural guidelines for residents and employees, and officers of the Township in expediting the process of obtaining access to public records.

II. FOIA Requests

FOIA requests for the inspection and copying of non-exempt Township Assessor Office public records shall be sent in writing to the Township Assessor FOIA Officer’s e-mail address or the Township Deputy FOIA Officer, in the event the Assessor FOIA Officer is not available. FOIA requests may also be made in person, in writing, at the Niles Township Assessor Office between the hours of 9:00 am and 5:00 pm, Monday through Friday, except on holidays. The Township Assessor Office will also accept FOIA requests made through the United States mail. The Township Assessor Office is only responsible for responding to Assessor FOIA requests that are actually received and is not responsible for transmission or delivery errors for Assessor FOIA requests.

The Township Assessor Office will not accept oral FOIA requests.

If the request is being made for a commercial purpose, the requester must disclose that fact to the Township Assessor Office at the time the request is made. It is a violation of the Act to knowingly obtain a public record for a commercial purpose without such disclosure.

III. Fee Schedule

Pursuant to 5 ILCS 140/6 the Niles Township Assessor Office has the authority to charge reasonable fees for duplication and/or certification of public records produced in compliance with Assessor FOIA requests. The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

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- In order to determine whether the requested records are exempt under Section 7 of FOIA or must be redacted in part before they are disclosed, the Township must have the documents reviewed by [insert names or titles of the appropriate personnel with the necessary competence to review the documents].
- The Township Assessor Office cannot comply with the request for records within the 5 business day time limit without unduly burdening or interfering with our operations.
- Before the Township Assessor Office can determine whether to provide the documents in response to your Assessor Office FOIA request, the Township must consult with [insert name of other public body] which has a substantial interest in the determination of how to respond to this request because [insert reason that other public body is involved].
- Before the Township Assessor Office can determine whether to provide the documents in response to your FOIA request, we must consult with [identify two or more components of the public body] to determine how to respond to this request because [insert reason that various components of the public body must consider].

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V. ASSESSOR OFFICE FOIA OFFICER(S) DUTIES

In accordance with Section 3.5 of the Act, the Township Assessor shall designate one or more employees or officers to serve as the Township Assessor Office FOIA Officer(s). The Assessor Office FOIA Officer shall complete an annual training curriculum through the State of Illinois, as provided in the Act.

A designated Assessor Office FOIA Officer shall have the authority to assign to other employees of the Township Assessor's Office tasks that must be performed to assist the FOIA Officer(s) in properly and timely responding to a request for the inspection and/or copying of non-exempt public records pursuant to FOIA. An employee who is assigned such a task by the Assessor Office FOIA Officer shall perform that task priority over the performance of all other tasks, except other tasks that relate to the Township's Assessor Office response to a public emergency. Nothing herein shall prohibit a Township employee or officer from assisting the Assessor Office FOIA Officer if requested.

All Assessor Office FOIA requests shall be date stamped upon receipt. The Assessor Office FOIA Officer shall forward a copy of a request to the appropriate department, the Assessor Office FOIA Officer shall also indicate the date by which the request must be approved or denied (five business days from the date of receipt, in most instances).

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