

WINFIELD TOWNSHIP ROAD DISTRICT

POSTINGS RELATED TO ILLINOIS' FREEDOM OF INFORMATION ACT (5 ILCS 140)

Posted in 2023

Submitting Freedom of Information Requests and Related Considerations

The Illinois Freedom of Information Act (FOIA) requires all public bodies to make available to any person for inspection or to provide copies of any requested records that are subject to disclosure. Not all records are subject to disclosure, and the Act provides a number of exemptions. The Act also provides the statutory deadlines to comply. Various deadlines may apply to a given FOIA request, and the parties are also allowed to agree upon a mutually convenient deadline.

FOIA is not intended to be used to violate individual privacy, nor for the sole purpose of furthering a commercial enterprise, or to disrupt the duly undertaken work of any public body. The Act does not require a public body to create new records or to answer questions other than through its records.

FOIA requesters may have to pay fees covering some of the costs of processing their request(s). Fees may be limited by statute. If a fee is appropriate, it must be paid before copies of responsive documents are released. Our fees are consistent with those set forth in Section 6 of FOIA which include:

- 1) Charges for the actual cost of purchasing the recording medium on which to place a record;
- 2) \$0.15 per page for black and white copies of records on letter/legal paper (after the first 50 pages);
and
- 3) \$1.00 for certifying any records.

Further, additional costs may be applicable (especially for voluminous requests), and the full language of Section 6 of FOIA is posted at our office for your review and consideration.

The Winfield Township Road District's Freedom of Information Act Officer (Road District Clerk Mike Guglielmi) has the custody of, or access to, all records, books, and papers for the Winfield Township Road District with the assistance of the Road District office.

All FOIA requests must be in writing (by US Mail or electronic mail) to our FOIA Officer and must contain a detailed description of the desired records.

You can submit FOIA requests to the FOIA Officer at 130 Arbor Avenue, West Chicago, Illinois 60185 or by email to foia@winfieldtownship.com. A form on which to submit your FOIA request(s) is available at <https://winfieldtownship.com/foia-information>.

Purpose of the Winfield Township Road District

The Winfield Township Road District, in partnership with our neighboring communities, and through the efforts of our dedicated employees and elected officials, provide services in an efficient and effective manner in order to preserve and enhance the quality of life for all our residents. We are committed to listening to, and evaluating the needs of the public and shall provide services which are responsive to their health, safety, and general welfare.

Specifically, the Road District maintains rights-of-way (ROW) in much of the unincorporated areas of the Township. The Road District does not maintain State, County, Municipal, or private roads. The ROW consists of paved streets, gravel shoulders, and any other areas used for drainage. The width of ROWs can vary. Within the ROW, the Road District assumes many responsibilities. These include, but are not limited to, asphalt patching, asphalt re-surfacing, drainage, gravel shouldering, litter pick-up, roadside mowing, road striping, traffic control signing, winter tree removal, J.U.L.I.E. locates, winter snow and ice control, The Road District also offers these additional services: wood chip program, leaf pick-up, brush pick-up.

Your Road District is equipped to handle most of these duties and to contract some with private enterprises. We have excellent intergovernmental cooperation with the municipalities in and around our Township.

Operating Budget

The operating budget for the Road District for the current fiscal year is \$3,007,750.00

Location of Offices

The Road District’s office is located at 30W575 W. Roosevelt Road, West Chicago, Illinois 60185, and can be contacted at (630) 231-8850.

Approximate Number of Employees

As of the date of this posting, the Road District has approximately six (6) full-time employees, two (2) part-time employees, one (1) summer helper, and one (1) seasonal employee.

List of Types/Categories of Records Under Its Control

The Road District maintains the following types of records (among others), which are available under FOIA subject to appropriate redaction and exemption:

Annual Expenses	Annual Reports
Budgets/Appropriations Ordinances	Facility-Related Documents
Inventories	Invoices
Payroll Records	Purchase Orders and Contracts
Contracts	Vehicle Maintenance Records

Section 6 of FOIA Related to Fees

(5 ILCS 140/6) (from Ch. 116, par. 206)
Sec. 6. Authority to charge fees.

(a) When a person requests a copy of a record maintained in an electronic format, the public body shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the public body shall furnish it in the format in which it is maintained by the public body, or in paper format at the option of the requester. A public body may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium. If a request is not a request for a commercial purpose or a voluminous request, a public body may not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records. Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of public records when furnished in a paper format shall not be applicable to those records when furnished in an electronic format.

(a-5) If a voluminous request is for electronic records and those records are not in a portable document format (PDF), the public body may charge up to \$20 for not more than 2 megabytes of data, up to \$40 for more than 2 but not more than 4 megabytes of data, and up to \$100 for more than 4 megabytes of data. If a voluminous request is for electronic records and those records are in a portable document format, the public body may charge up to \$20 for not more than 80 megabytes of data, up to \$40 for more than 80 megabytes but not more than 160 megabytes of data, and up to \$100 for more than 160 megabytes of data. If the responsive electronic records are in both a portable document format and not in a portable document format, the public body may separate the fees and charge the requester under both fee scales.

If a public body imposes a fee pursuant to this subsection (a-5), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records.

(b) Except when a fee is otherwise fixed by statute, each public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records. No fees shall be charged for the first 50 pages of black and white, letter or legal sized copies requested by a requester. The fee for black and white, letter or legal sized copies shall not exceed 15 cents per page. If a public body provides copies in color or in a size other than letter or legal, the public body may not charge more than its actual cost for reproducing the records. In calculating its actual cost for reproducing records or for the use of the equipment of the public body to reproduce records, a public body shall not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records, except for commercial requests as provided in subsection (f) of this Section. Such fees shall be imposed according to a standard scale of fees, established and made public by the body imposing them. The cost for certifying a record shall not exceed \$1.

(c) Documents shall be furnished without charge or at a reduced charge, as determined by the public body, 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. For purposes of this subsection, "commercial benefit"

shall not apply to requests made by news media when 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. In setting the amount of the waiver or reduction, the public body may take into consideration the amount of materials requested and the cost of copying them.

(d) The imposition of a fee not consistent with subsections (6)(a) and (b) of this Act constitutes a denial of access to public records for the purposes of judicial review.

(e) The fee for each abstract of a driver's record shall be as provided in Section 6-118 of "The Illinois Vehicle Code", approved September 29, 1969, as amended, whether furnished as a paper copy or as an electronic copy.

(f) A public body may charge up to \$10 for each hour spent by personnel in searching for and retrieving a requested record or examining the record for necessary redactions. No fees shall be charged for the first 8 hours spent by personnel in searching for or retrieving a requested record. A public body may charge the actual cost of retrieving and transporting public records from an off-site storage facility when the public records are maintained by a third-party storage company under contract with the public body. If a public body imposes a fee pursuant to this subsection (f), it must provide the requester with an accounting of all fees, costs, and personnel hours in connection with the request for public records. The provisions of this subsection (f) apply only to commercial requests.
(Source: P.A. 97-579, eff. 8-26-11; 98-1129, eff. 12-3-14.)

ROAD DISTRICT ORGANIZATIONAL STRUCTURE

