

ORDINANCE NO. 121509 FOIA

AN ORDINANCE CREATING THE OFFICES OF HANOVER TOWNSHIP FREEDOM OF INFORMATION OFFICER AND OPEN MEETINGS ACT OFFICER

WHEREAS, the Freedom of Information Act (FOIA) was recently amended by Public Act 96-542 to require each public body to designate one or more officials or employees to act as the public body's Freedom of Information officer or officers on or before January 1, 2010; and

WHEREAS, Public Act 96-542 further amends the FOIA to impose certain duties on the Freedom of Information officer, including but not limited to, receiving and responding to requests submitted to the public body under (FOIA), creating and maintaining records with respect to FOIA requests, and training requirements; and

WHEREAS, Public Act 96-542 also amends the Open Meetings Act to require every public body to designate employees, officers or members of the public body to receive training on compliance with the Open Meetings Act and to submit a list of such designated employees, officers or members to the Public Access Counselor of the Illinois Attorney General's office (the "Public Access Counselor"); and

WHEREAS, Public Act 96-542 further amends the Open Meetings Act to require such designated employee, officer or member to successfully complete an electronic training curriculum developed and administered by the Public Access Counselor, and thereafter to successfully complete an annual training program;

NOW, THEREFORE, BE IT ORDAINED by the Township Board of Trustees of Hanover Township, Cook County, Illinois (the "Township Board") as follows:

SECTION ONE: There is hereby created the office of the Hanover Township Freedom of Information Officer.

SECTION TWO: The Hanover Township Clerk shall serve as the Hanover Township Freedom of Information Officer, and in the absence of the Hanover Township Clerk the Hanover Township Deputy Clerk shall act as the Hanover Township Freedom of Information Officer.

SECTION THREE: The Hanover Township Freedom of Information Officer shall perform all duties required under the Freedom of Information Act, as amended from time to time, including but not limited to, the duties set forth in Section 3.5 of the Freedom of Information Act (5 ILCS 140/3.5).

SECTION FOUR: The Hanover Township Clerk, acting in her capacity as the Freedom of Information Officer shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor on or before June 30, 2010, and shall thereafter successfully complete annual training programs in accordance with Section 3.5 of the Freedom of Information Act. The Deputy Clerk, acting in her capacity as the Freedom of Information Officer alternate, shall similarly complete the electronic curriculum developed by the Public Access Counselor and thereafter successfully complete annual training programs in accordance with Section 3.5 of the Freedom of Information Act.

SECTION FIVE: The Township shall update its website to include a directory designating the Township Clerk as the Freedom of Information Officer and the Hanover Township Deputy Clerk as the alternate Freedom of Information Officer and to

cause the website to otherwise comply with Section 4 of Freedom of Information Act. (5 ILCS 140/4).

SECTION SIX: There is hereby created the office of the Hanover Township Open Meetings Act Officer.

SECTION SEVEN: The Township Administrator is hereby designated as the Open Meetings Act Officer, and the Assistant to the Township Administrator is hereby designated as the alternate Open Meetings Act Officer who shall serve as the Open Meetings Act Officer in the absence of the Township Administrator.

SECTION EIGHT: The Township Administrator acting as the Open Meetings Act Officer, and the Assistant to the Township Administrator acting as the alternate Open Meetings Act Officer shall successfully complete an electronic training curriculum developed and administered by the Public Access Officer on or before June 30, 2010, and thereafter shall successfully complete an annual training program developed by the Public Access Officer in accordance with Section 1.05 of the Open Meetings Act, as amended (5 ILCS 120/1.05) and shall perform such other duties as required under the Open Meetings Act, as amended from time to time.

SECTION NINE: The Township Clerk shall notify the Public Access Counselor that the Township Administrator and the Assistant to the Township Administrator have been designated by the Township Board to receive the above mentioned training in compliance with Section 1.05 of the Open Meetings Act, as amended.

SECTION TEN: Nothing herein shall be construed as altering the "at will" status of any Township employee.

SECTION ELEVEN: Severability. The various provisions of this Ordinance are to be considered as severable and if any part or portion of this Ordinance shall be held valid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION TWELVE: Repeal of Prior Ordinances. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION THIRTEEN: Effective Date. This Ordinance shall be in full force and effect on January 1, 2010, following its passage and approval.

ROLL CALL VOTE:

AYES:

Supervisor McGuire, Trustees Westlund-Deenihan, Burke, Trick, and Senoit

NAYES:

ABSENT:

PASSED:


December 15, 2009

APPROVED:

December 15, 2009


Brian P. McGuire, Township Supervisor

ATTEST:


Katy Dolan Baumer, Township Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Township Clerk of Hanover Township, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance No. 121509FOIA enacted on December 15, 2009, and approved December 15, 2009, as the same appears from the official records of Hanover Township.


Katy Dolan Baumer, Township Clerk