

5/23/2019

**57-R-19**

**A RESOLUTION**

**Adding Designated Freedom of Information Act Officers for the  
City of Evanston**

**WHEREAS**, the City of the Evanston (the "City") is a "public body" within the purview of the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* ("FOIA") and responds to requests made for public records under FOIA; and

**WHEREAS**, in accordance with Section 3.5 of FOIA, the City designates its Freedom of Information Act officer(s); and

**WHEREAS**, the City Council designates the following positions to be FOIA Officers: City Clerk, the Evanston Police Department Records Manager, an Assistant City Attorney within the Law Department, and the Customer Service Representative within the Collector's Office of the City Manager's Office department,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are incorporated herein as findings of the City Council of the City of Evanston, Illinois.

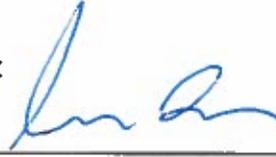
**SECTION 2:** The Evanston Police Department Records Manager or his/her designee will serve as the FOIA Officer to process all FOIA requests for Evanston Police Department records. The Assistant City Attorney will assist City staff and the FOIA Officers to review requested records to determine if statutory exemptions are applicable and will respond to requests for Law Department records. The City Clerk

is designated as the primary Freedom of Information Act Officers for the City of Evanston for all remaining requests for City of Evanston records. A Customer Service Representative of the Collector's Office within the City Manager's Office will serve as the secondary FOIA Officer for all remaining requests for City of Evanston records. The FOIA officers are directed to comply with all sections of FOIA and the City of Evanston FOIA Policy attached hereto as Exhibit A and incorporated by reference.

**SECTION 3:** This resolution will supersede and replace the designation in Resolution 84-R-17. The FOIA Policy is hereby amended to reflect the aforementioned additional FOIA officers and hereby adopted as amended.

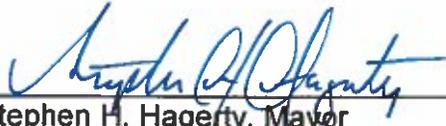
**SECTION 4:** This Resolution 57-R-19 is effective immediately.

Attest:

  
\_\_\_\_\_  
Devon Reid, City Clerk

Deputy City Clerk

Adopted: May 28th, 2019

  
\_\_\_\_\_  
Stephen H. Hagearty, Mayor

Approved as to form:

  
\_\_\_\_\_  
Michelle L. Masoncup, Corporation Counsel

**EXHIBIT A**  
**FOIA POLICY**

## City of Evanston FOIA Policy

This Policy ("FOIA Policy") outlines the City of Evanston's procedures for compliance with the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq. ("the Act"), by the City and any person requesting public records from the City ("requester"), and contains instructions and forms for the implementation of the FOIA Policy. The City will respond to written requests for inspection, copying, or certification of public records in accordance with the Act, this FOIA Policy, and other applicable laws (the "request"). The effective date of this FOIA policy shall be the date on which it is adopted by the City Council.

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### I. REQUESTS FOR PUBLIC RECORDS

#### A. General - Processing of Requests

All requests to inspect, copy or certify public records under FOIA must be submitted to the City in writing, submitted via the NextRequest system, or sent via electronic mail. The City will respond to all requests in conformance with the FOIA statute parameters.

The City will comply with the request by providing responsive records to the requester only, or as the case may be, deny the request, as required by 5 ILCS 140/3 through 140/3.3.

#### B. Responsibilities of FOIA Officers.

The City's Freedom of Information Officers are administratively responsible for receiving and processing all requests to inspect, copy, or certify public records under the Act and this FOIA policy. The FOIA Officers are the person with the authority on behalf of the City to grant or deny requests to inspect, copy, or certify public records filed pursuant to the Act and this FOIA policy, to extend the time for response, and to issue appropriate notices. The City has designated the following positions to be FOIA officers: City Clerk, Evanston Police Department Records Manager or his/her designees, Customer Service Representative of the Collector's Office, and an Assistant City Attorney. and the City Clerk as the FOIA Officers for the City of Evanston. FOIA Officers within each department are responsible for closing each request in conjunction with the Law Department. The FOIA Officers within the Law Department are responsible for all correspondence with the Attorney General's Public Access Counselor when a request for review is filed.

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CD. Summary of the FOIA Request process:

**Step One:** Complete a FOIA Request Form: Requests for records can be made in writing. However, sufficiently detailed oral requests for records may be honored as well. The City prefers that the requester use the NextRequest system at the City's website <https://www.cityofevanston.org/government/city-clerk/submit-foia>. If this is not an option for the requester, s/he may submit a request in person at the City Clerk's Office at 2100 Ridge Avenue, Evanston, Illinois 60201. The City will process written requests as long as the following information is included:

- (a) name of requester;
- (b) the requester's mailing address, e-mail address (if applicable), and telephone number;
- (c) a specific description of the public records requested; and
- (d) a statement of purpose, indicating whether the requester intends to use the records, or the information derived from those records, for sale, resale, solicitation, or advertisement for sales or services.

**Step Two:** Procedure for submission of the FOIA Request:

Requests may be submitted online at <https://www.cityofevanston.org/government/city-clerk/submit-foia>. Requests can also be mailed, faxed or e-mailed to [FOIA@cityofevanston.org](mailto:FOIA@cityofevanston.org) for processing. Requests can also be hand delivered to the FOIA Officer(s) between the hours of 8:30 a.m. and 7:00 p.m. Monday through Thursday and Friday between the hours of 8:30 a.m. and 5:00 p.m., except on City observed holidays. An e-mail sent during business hours will be deemed received on the day it is received by the Public Body and an e-mail message sent after business hours will be deemed received on the following business day.

**Mailed Requests should be addressed as follows:**

**City of Evanston  
Attn: FOIA Officer  
2100 Ridge Avenue  
Evanston, IL 60201**

**If you are submitting a FOIA request via email, send to [FOIA@cityofevanston.org](mailto:FOIA@cityofevanston.org)**

For every FOIA request, the City's FOIA officer(s) must use NextRequest in a way so that records responses and responsive documents released can only be viewed by the requester.

**Step Three: City Response**

The City will respond to the request within five (5) business days of receipt of the Request. If the FOIA Officer determines that additional time is needed and allowed under FOIA to respond to the request, then the FOIA Officer will send written notification to the requester of the reasons requiring the extension, and the length of the extension (no more than 5 business days). The requester and the City may also agree in writing to extend the time period to a date certain that is beyond the additional five (5) business days. The FOIA Officers and City staff, with the aid of the City of Evanston

Law Department, will evaluate if any or all of the requested public records are exempt from disclosure under FOIA. After a determination of legal compliance is made in conjunction with the Law Department, each FOIA Officer is responsible for closing a request assigned to him/her.

The City officials will respond to the Request for records according the following:

- (1) Approve the request and release all requested documents for inspection and/or copying (Approval Response; Form A);
- (2) Approve the request in part and deny the request in part based on statute exemptions and provide the requester an opportunity to appeal (Partial Denial Response; Form B);
- (3) Deny the request for all records requested. The denial will cite statutory reasons for the denial and provide requester an opportunity to appeal (Denial Response; Form B).
- (4) Send a notice of extension for the City's response to the request (Notice of Extension; Form D); or
- (5) Meet and confer with the requester to narrow the scope of the request (Meet and Confer Notice; Form E) and if the requester narrows the request to a manageable size, the City will send a follow-up response letter with the updated records.
- (6) Send response letter indicating that the request needs clarification regarding the records that the requester is seeking, and/or the request as submitted is vague or unclear (Form F).

Step Four: (If applicable) City Response – Commercial Requests

The City must be informed if the request is made for commercial purpose. It is a violation of FOIA to attempt to procure public records without disclosing to the City that the request is submitted for a commercial objective. The City will respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response will (i) provide to the requester an estimate of the time required by the public body to provide the records requested and an estimate of the fees to be charged, which the City may require the person to pay in full before copying the requested documents, (ii) deny the request pursuant to one or more of the exemptions set out in this Act, (iii) notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions, or (iv) provide the records requested.

Requests from the news media or non-profit organizations are not classified as a request for a commercial purpose if the purpose of the request is to:

- (a) access and disseminate information concerning news and current passing events;
- (b) write articles of opinions or features of interest to the public; or
- (c) use for the purpose of academic, scientific or public research/education.

Step Five: Delivery of response and payment of any applicable fees

If the request is approved, approved in whole, or approved in part, the City will provide the materials in accordance within the required time period. The FOIA Officer will notify

that the materials will be available electronically, or upon payment of the reproduction costs, and/or give notice of the time and place for inspection of records. Public records are available for inspection during regular City business hours. During inspections, a City employee must be present and the record(s) cannot be removed from the building.

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## II. DISCLOSURE OF PUBLIC RECORDS

### B. Access to Public Records

Only City employees will be permitted to search City files, records, or storage areas; to use City equipment; or to make copies of City's public records. Original public records will not be removed from City offices at any time.

### K. No Obligation to Create New Records

In the course of responding to requests to inspect, copy, or certify public records, the Act and this FOIA Policy does not require the City to create records that the City does not already maintain in record form.

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## IV. CITY OBLIGATIONS

### A. Organizational Description

In accordance with Section IV of the Act, the FOIA Officers will cause the City to prominently display at the Civic Center, make available for inspection, copying, and available on the City's webpage under Freedom of Information Act "Organizational Information", the following information:

1. City Mission: The City of Evanston is committed to promoting the highest quality of life for all residents by providing fiscally sound, responsive municipal services and delivering those services equitably, professionally, and with the highest degree of integrity.

2. Vision Statement: Creating the most livable city in America.

3. Organizational Values:

- Excellent customer service
- Continuous improvement
- Integrity
- Accountability

4. City of Evanston Budget: The City Council approved the current Fiscal Year operating budget for the City in the amount identified on the City's webpage.

5. Total number of City employees: The total staffing level for the current Fiscal Year is identified on the City's webpage.

6. Organizational Chart: The City's organizational charts are posted to the City of Evanston website at: <https://cityofevanston.org/transparency/city-organizational-charts/>.

7. Location of City of Evanston offices:

- Civic Center: 2100 Ridge Avenue, Evanston, IL 60201; (847) 328-2100
- Fire Department: 909 Lake Street, Evanston, IL 60201; (non-emergency) (847) 866-5918
- Main Public Library: 1703 Orrington, Evanston, IL 60201; (847) 448-8600
- Police Department: 1454 Elmwood Avenue, Evanston, IL 60201; (non-emergency) (847) 866-5000
- Water Treatment Plant: 555 Lincoln Street, Evanston, IL 60201; (847) 866-2942
- Dial 3-1-1 for non-emergency City services and information

#### B. Records Stored by Electronic Data Processing.

The FOIA Officers will prepare and furnish to any person requesting it a description of the manner in which public records of the City stored by means of electronic data processing may be obtained in a form comprehensible to persons lacking knowledge of computer language or printout format. The City will work to ensure databases subject to disclosure under FOIA are capable of exporting in a machine readable format (i.e. csv, xls.)

#### C. Record Keeping

The FOIA Officers will retain copies of all requests and documents relating to a request until the Request is complied with or has been denied. In addition, copies of requests, any responses including Notices of Denial, and a copy of communications with the requester and other communications will be maintained by the Evanston FOIA Officers City Clerk for the period provided under the Illinois Local Records Act, 50 ILCS 205/1 et seq.

